THE

EXPEDIENCY MAINTAINED,

&c. &c.

THE

EXPEDIENCY MAINTAINED

OF

CONTINUING THE SYSTEM

BY WHICH THE

TRADE AND GOVERNMENT OF INDIA

ARE

NOW REGULATED.

By ROBERT GRANT, Esq.

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PREFACE.

In submitting this volume to the candid judgment of the public, the author feels that it should be accompanied by some explanation of the circumstances under which it appears.

The idea was long since suggested to him of composing a work, which should comprehensively treat the whole question respecting the most eligible system of connexion between Great Britain and her extensive dependencies in the East-Indies. In lending himself, at length, and with great reluctance, to this advice, he was not actuated by any conception of his own competence for the undertaking, particularly amidst the interrupted opportunities which alone he could command. But the actual dearth of information, at once accurate and popular, on the impor-

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tant subject in question, gave to a diligent use of the opportunities within his reach, a fair hope of comparative and satisfactory success. He, therefore, addressed himself to the task, and pursued it with a perseverance, sometimes perhaps relaxed by indolence, but more frequently intermitted of necessity.

The projected work was intended to exhibit, first, a historical sketch, derived from authentic sources, of the past proceedings of the East-India Company: in the next place, a correct view of the actual nature and effects of their present system, both political and commercial, contrasted with a conjectural view of the probable nature and effects of those systems which a new order of things might be expected to substitute: and lastly, an investigation of the objections adduced or adducible against the present system,—objections, either political or commercial; objections, either founded on a survey of particular facts, or developed from a germ of general principles.

The period, meanwhile, approached, at

which the question was to undergo the solemn revision of the Nation and of Parliament. Under the increased necessity for exertion which this circumstance imposed on the author, the magnitude of his design, and the comparative scantiness of his leisure, equally prescribed to him the utmost compression and brevity. But the very same causes combined to prevent a compliance with the injunction. The subject grew visibly every hour. The desultory views of it, which alone his other avocations allowed him, forbade that connected and (if the expression may be used) *panoptical* attention to it, which would both have rendered the labour bestowed on the operation most effective, and the reduction of the scale on which it was conducted most practicable. Delay produced the spontaneous rise of fresh topics, or the afflux of fresh objections, without bringing the leisure requisite to a due combination of the new materials with the old. Under these circumstances, the unexpected adjournment of the question was an event highly convenient.

The respite, however, has by no means enabled the author to liquidate his arrear of composition; partly, from unavoidable interruptions which it would be impertinent to particularize; but, chiefly, from the extent of the original plan. The full execution of such an undertaking would require, not the partial and disjointed efforts of a few seasons, but the steady devotion of years.

The expected national discussion, however, is now in progress; and it soon appeared that the author could by no method secure to his humble labours a chance of effect, except by sending forth, in a detached state, such portions of the work, as were sufficiently complete, and would bear insulation. Even here a selection was to be exercised. Although the grounds on which the subject may be fairly and usefully contested, are, like the prejudices that prevail respecting it, innumerable, yet it includes some few questions, the decision of which must, after all, dispose of the rest. It is a circumstance gratifying to the author, that his reflexions on certain

topics which appear preeminently to fall under this description should have been so far advanced as to admit of immediate publication. Those reflexions form the contents of the following pages.

The volume is divided into four parts or chapters. The first exhibits a synopsis of the system established for the government of British India, comprising all the departments of it, both in England and in the East. It also describes and exemplifies the principles by which the territorial administration of the Company is regulated, and endeavours to trace out the effects of that administration on the state and feelings of the vast population included within its range. With this account, some partial views of the commercial regulations of the Company are necessarily interwoven, and it is followed by a delineation of their military system as an appendix.

It is next enquired, what effects a material modification or change of that constitution

might naturally be expected to involve. The second chapter, accordingly, attempts to follow out the consequences that would flow from any sensible relaxation of the restraints imposed by the present system on the free access of Europeans to India, and on their residence in that country. It is here shewn that such a change, though in appearance commercial, would in its effects be political, menacing both countries with dangers which ought at any price to be averted. The third chapter similarly traces the probable results of a change in the political part of the present system, and these results also, it is shewn, are likely to prove disastrous.

The facts detailed, and the principles laid down, in these three chapters, are, in the fourth, shortly applied to the pending differences between the Ministers of the King and the Company. The proposition maintained is, that the plan meditated by Ministers would virtually amount to an invasion of the present system both in a commercial and a political

view, and would therefore deeply involve the hazard of the very serious mischiefs deprecated in the former parts of the work.

Each of these heads of enquiry is probably fertile of arguments and observations which have not occurred to the author. Even the matter which did so occur, he has exhibited but partially. Detail seemed to him of the last moment; but a detailed exposition of all was impossible. It has been his method, therefore, especially in the two middle chapters, while he mentioned most of the very relevant topics that appeared of importance, yet to select for minute specification only one or two, the choice falling on such as were at least not less important, and perhaps more familiar, than the rest.

From the syllabus that has been given, it will be perceived that the subject attempted in the present volume, is really conclusive of the question before the public. It forms precisely that branch of the question, which is independent and paramount, certainly not disdaining, but as certainly not requiring,

the assistance of allied topics. If a material change in the Indian system would threaten the evils anticipated, and if the plan of Ministers implies such a change, no adequate reason can be given why that plan should not be rejected. The promises of commercial advantage lavished on us by the measure, were they certain of fulfilment even to the letter, must in that case be worse than deceptive. They may not be false, but they are perfidious; and would lure us to commit the same species of disastrous absurdity with him who should be seduced by his avarice into a mine, fraught, perhaps, with veins of unsunned ore, but at the same time teeming with deleterious vapour.

How far the duration of the present discussion will allow the author to bring before the public what yet remains of his original design, is not certain. A considerable portion, it would seem, of his past labour must now prove fruitless; partly from the impossibility of finishing all that is begun; partly from circumstances; and among these it may be

mentioned, that the altered state of the question at issue would render impertinent some reasonings and observations which, a year ago, might have appeared strictly relevant. It is purposed, however, immediately to follow up the present effort with some sketches of the history of the Company, accompanied by miscellaneous remarks. It is hoped, though less confidently, that an essay, estimating the probability of an increase in the commerce with India, may also be prepared in sufficient time.

During the progress of this undertaking, the author has not been inattentive to late or contemporary opinions respecting the subjects of which he was treating. Those opinions, however, are so numerous, not less differing intrinsically than in the taste, temper, and talent with which they have been maintained, that a minute examination of them was impossible; and, unless they were to be examined, it did not appear why they should be stated. The reader who would know their merits, must be content to labour through the cloud

of recent publications on Indian affairs, by one or other of which almost every conceivable variety of sentiment on the subject has been supported, or may with advantage consult the Edinburgh Review, which has supported them all. In the following pages, however, it has been the aim of the author to lay down his principles in such a manner as might obviate every prevalent or probable misconception of moment; an attempt, in which he is far from the presumption of imagining that he has succeeded. Occasionally also, he has expressly commented on the works of late or living authors in this department, and particularly of such as have been hostile to the established Indian system.

Among the writers of the latter class, it may perhaps seem natural that an important place should have been assigned to Dr. Adam Smith. The advocates for the form of government by which India is now ruled, are indeed under the strongest temptation to quote the sentiments of this celebrated economist on the subject, in contrast with the facts

from which those sentiments have received their final refutation. The political welfare of India has attained a height and a stability probably unexampled in Asiatic history, under the influence of a system, respecting which Dr. Smith appears to have believed that its defects, political as well as commercial, were not only great but radical, admitting of no milder remedy than the axe. His strictures on the system, however, are so familiarly known, and the commentary which the existing state of things furnishes on such a text, is so decisive and unambiguous, that the recollection of the one, and the application of the other, shall, after this single suggestion, be left to the unprompted mind of the reader. On some collateral points, the observations of the same author are both cited and examined in the following pages, with a freedom, however, which, it is trusted, no where deviates into disrespect. The opponents of Dr. Smith, on topics of national economy, can honor his memory with no tribute of deference more appropriate, than by

uniting that homage of manner to which his established fame and eminent merit entitle him, with that independence of opinion which his writings at once inculcate and exemplify.

With the reverence, however, thus sincerely professed for Dr. Smith, it appears not inconsistent to observe that one or two characteristic peculiarities in his manner may possibly have increased the effect and popularity of his works, independently of their real merit. The most remarkable of these, is that set but calm tone of dogmatism so invariably maintained throughout his composition. The Wealth of Nations comprises a range of enquiry extensive, surely, beyond the utmost grasp, however capacious, of individual decision; yet it exhibits little else than a series of theorems, propounded with a quiet confidence which might befit an elementary lecture on the abstract sciences. Nothing can be more imposing to the generality of mankind than this oracular mode of delivery; this didactic composure, equally unruffled by the solicitude of enquiry, the perturbations of doubt, and the

elation of discovery. To the less friendly readers of Dr. Smith, the same quality is not equally pleasing. It savours of pretension, and, perhaps, still more than his technical language and his studied Anglicisms, communicates to his style that mannerism, from which, with all its excellences, it is not exempt.

But this sustained air of judicial superiority was not incompatible with the occasional introduction of severe though measured sarcasm. The splenetic reflexions, with which the Wealth of Nations is interspersed, on the meanness and malignity of restraints and monopolies, however fairly intended, and whatever may be thought of their intrinsic truth, appear better calculated for popularity than for use. They offend, indeed, the candid; but they supply with watch-words of the most convenient application that numerous class of men, whom *mottoes* serve for principles,—who are fond of uttering, for the sake of clamour, propositions which they can neither prove nor apply, neither deduce from the

elementary laws of human nature, nor combine with the complex system of human society.

Of recent publications, the only one conspicuously introduced in the following pages, with the exception of a single article in the Edinburgh Review, is a small volume published in 1807, under the title of "Considerations upon the Trade with India." This work led the way in the present literary warfare, and, as was said at the time of its appearance, not without effect. It is one, certainly, not ill adapted to produce effect during seasons of epidemic prejudice; those seasons, in which truth and reason are easily overborne by opinions hastily formed, and confidently announced;—in which the most desultory arrows of invective may fly far, because assisted by "the blast of public breath." No insinuation is here designed against the good intentions of the author in question, with whatever success they are disguised; nor on his industry, though his activity may seem rather to have been that of rage than of dili-

gence; nor on the talent exhibited in his work, though his strength be hardly equal to his ferocity. Among the contemporary assailants of the Company, he has every fair claim to a prominent notice, even independently of the title of preoccupancy. In ability and general information, he appears to equal most of them; and his work is more open to exception, only as it is of greater length.

The leading opinions maintained in the following pages, however superficial or incorrect, have not been adopted without reflexion, and are held deliberately, though, it is hoped, not obstinately. The information on which those opinions are declaredly grounded, the author has carefully extracted from what appeared the most authentic documents, not without assistance from persons on whose accuracy, as on their kindness, he places a full reliance. Without meaning, therefore, to defy the torture of unfriendly scrutiny, he trusts that his statements have no particular reason to dread

it. For such errors as may, after all, have escaped his attention, as well as for the many other defects with which his work is, he fears, chargeable, he entreats the indulgence of the public.

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THE

EXPEDIENCY,

&c.

CHAPTER I.

The Nature and Effects of our present Indian System considered with respect to the Political Interests of the Native Population of British India.

BEFORE we resolve on the abolition of any established system, we shall do well very seriously to consider its actual nature and effects. There are those, indeed, who dispose of all political questions, by a short reference to certain abstract or elementary principles. But, as simplicity is not the proper virtue of institutions adapted to the various and intervolved exigencies of human society, so it is seldom that the merits of such institutions can be ascertained by the application of general and summary tests. Minute analysis may shew, that a part of the system which, in itself, appears open to strong objection, is, in fact, attempered and corrected by the mixture of some opposing ingredient. Even this, however,

is to understate the case. The actual effects of an establishment may, on examination, prove to be such, as shall successfully vindicate the constitution on which it is framed, even though that constitution be irreconcilably at war with many received maxims of policy; for, from the criterion of practice, there is no appeal.

In conformity with these plain and, indeed, very trite propositions, a succinct enquiry is here intended into the nature and effects of the constitution of government which the East-India Company, under the sanction, and with the aid, of the legislature, have established over the countries comprized under the name of British India: a constitution, which has undergone various changes, but which may be regarded as having of late years acquired a certain degree of maturity and stability.

The importance of such an enquiry will probably not be controverted. Of the complex system of connexion which unites Great-Britain with her dependencies in the East, the political welfare of those dependencies is undoubtedly one cardinal object; an object, than which none can be more interesting in the eyes of humanity, and which, at the same time, appears material to the effectual and permanent attainment of all the other benefits proposed by the union in question.

Of the vast empire possessed by this country in the East, some very large divisions have been gained within the last twenty years. In these

more recent acquisitions, it would be unreasonable to suppose that the British government had as yet been fully systematised; and, though enough has been done to authorise the most satisfactory inferences respecting what remains, yet, in the survey which is intended to constitute the subject of the present chapter, it seems desirable to exhibit facts totally unmixed with conjectures. All the purposes, however, in view, will be sufficiently answered by exhibiting the maturer policy established in the provinces of Bengal, the earliest and the most important of our territorial possessions in India. The government of Bengal, indeed, not only demands observation in itself; but it has furnished the model on which the political constitutions of the territories more newly attained have, so far as was practicable, been formed, and to which they are, as to their general features, in various stages of assimilation. Of the picture, therefore, with which the following pages will present the reader, he should bear in mind that the government of Bengal is more immediately the original.

Political institutions, however, are the creatures of time and occasion; nor can the nature of any government be adequately appreciated, without a reference to the exigencies and difficulties under which it has been formed. In this view, it does not appear necessary to enter on a historical deduction of the Indo-British government from its earliest beginnings. On the contrary, not only

will time be saved, but a more marked and distinct idea of the merits of that government will be conveyed, by simply regarding it in contrast with the Mahomedan system, which, within the last half century, it has superseded. The amount of the improvements which the British have effected in the polity of Hindostan, sensible and striking when those improvements are contemplated in the aggregate, might be apt to glide out of sight in tracing the gradations by which they have taken place.

It may perhaps be objected, that the improvements in question by no means constitute a ground of national triumph on the part of this country, because the superseded system, so far from being properly Mahomedan, was in effect a system deteriorated by the partial mixture of European principles, and the influence of European administration.

That the operation of the British government was, in the first instance, unfavourable to the people of Bengal, may be admitted, without therefore attaching any peculiar discredit to the British name. For the acts of misconduct into which the servants of the Company were, at the period in question, betrayed, we may find, not perhaps an apology, but yet an explanation,—in the strangeness of their circumstances,—in the intoxicating effect of an unexpected transition from danger and dependence to victory and power,—in the elation of rapid and splendid conquest,—in the

inflammation of successful revenge,—in the natural consequence of a sudden introduction into the vortex of the profligate politics of Asia, all their worst passions exposed to the double stimulus of facility and example. That the Company at home did not sooner correct these disorders, we shall be very little inclined to wonder, if we reflect,—on the proverbially tardy growth of political institutions,—on the difficulty with which any system, whatever its elementary perfectness, can be adapted to a situation utterly untried, and fertile of exigencies,—on the distance between England and India,—on the obstacles to correct information, where all the reporters have a common interest in concealment. In the course of the inquiry now intended, however, it is unnecessary to notice the defects of the early administration of the British in the East; and that for the two following reasons. First; the difference, in point of defectiveness, between the Mahomedan system, as we found it, and the Mahomedan system, as we first modified it, altogether vanishes, when either of these is compared with that matured constitution that has eventually superseded both. Any studious notice, therefore, of the difference referred to would be out of place in the ensuing pages. Secondly; on whatever quarter the blame of the supplanted system may light, it can in no respect affect the title of this country, and of the Company, to the glory of that which has been substituted. In whatever manner the wound was

inflicted, the skill is not the less admirable which has accomplished the cure. The merit of the improved system remains undiminished, and the consequent argument for the continuance of it unshaken.

Without farther preamble, a short account shall now be given of the nature and effects of the Mahomedan government established in Hindostan, particularly as it was exemplified in the provinces of Bengal; which will be followed by a contrasted view of the political system of the English India Company.

The Mogul government was a despotism; and of that absolute kind, which tolerates no nobility but the nobility of office. Little needs be said in condemnation of such a polity; of which, indeed, nothing has ever been said in praise; except it be, that the absence of a hereditary aristocracy, by rendering it impossible for faction or rebellion to find any powerful heads, secures the intestine tranquillity of the state. The remark has been made by Machiavel, and commended, though not without some qualification, by Hume;* but its truth will seem highly questionable to those who consider the violent dissensions and civil wars that convulsed the empire of Delhi. Such persons will perceive also why the remark is untrue; and that, in the absence of a hereditary nobility, rebellion always sought and always found

* Essays, Part 1. Essay iii.

a leader in the bosom of the imperial house itself. Under a monarchy constituted in the manner supposed, it appears the common interest of the subjects, whether high or low, that a division of the power which tyrannizes over them should exist, where alone it can possibly exist, in the family feuds of their tyrants. Of every malcontent chief, it is the obvious interest to obtain the benefit of an alliance with those hereditary pretensions of which he is personally destitute, by associating with himself some malcontent connexion of the throne. Unawed, meantime, and unmenaced by the ambition of ancient and patrician houses, the members of the imperial blood not only want one grand principle of union, but are naturally led to expend their jealousies on each other. Such seems partly the account, although it probably is not the whole* account, of those relative discords and fraternal furies, which have cursed and disgraced the palaces of the Achæmenides, the Othmans, and the Timurs, of all ages.

But these considerations, after all, respect a state of things long anterior to the time which the present review is designed to comprehend. The power of the Mogul empire rapidly declined from the death of Bahader Shah, the son of Aurung-

* Polygamy has, in some degree, contributed to produce the effect.

zebe, in 1712, and may be said to have finally expired on the capture and plunder of Delhi, by Nadir Shah, in 1739, twenty years before the British acquired territorial dominion in Bengal. The want of an established patrician order did not, at this crisis, prevent Hindostan from being rent in pieces by rebellious Omrahs, but the contrary. Of the numerous pretenders who usurped, either the vizierut, now virtually independent, at Delhi, or some of the viceroyalties, equally independent, of the provinces, none could urge any claims of ancestry, which the period of one or two generations did not completely cover. None, therefore, could build his usurpation, even obliquely as it were, on a basis of opinion: but a general and an equal scramble took place; each pretending an appointment from the Court at Delhi; where, indeed, the instrument of investiture could generally be procured for a trifling present, and, if it could not be procured, it was invariably fabricated. Wherever, meantime, one of these untitled adventurers succeeded in establishing himself, there a government grew up, which, like that from the ashes of which it had arisen, was a despotism without an aristocracy; and which was attended by the evils usually incident to that form of polity. During these struggles, the Mahrattas, and other freebooters, took advantage of the general confusion that prevailed among the combatants, to prey indiscriminately on them all.

Such was the external, or, as it might be termed, the national condition, of the Mogul provinces, at the æra when the Company acquired territorial power; but it will be desirable to inspect the interior or domestic economy of those countries, both as it subsisted in the flourishing times, and, much more, as it became on the dismemberment, of the empire.

According to the Mogul system, the chief local authorities of every province were, a Viceroy, appointed by the Imperial Court, and indiscriminately known by the name of *Nazim* and *Navaub*, or, as the inveterate usage of Englishmen now forms the word, *Nabob;* and another minister, also appointed by the Court, with the title of *Dewan*. Of these functionaries, the former, who in dignity and power was the superior, was invested with the command of the troops, and the military administration of the state; the supreme jurisdiction in criminal matters; and the exclusive superintendence of the public police. In the fiscal department he had no share, excepting indeed, as some affirm, with regard to the revenues of the lands immediately appropriated to the support of the Nizamut. To the Dewan were committed the management of the public revenues, and the distribution of civil justice. By the theory of the constitution, a balance of power subsisted between these officers, and, under monarchs of wisdom and vigour, such a balance was actually maintained; but, in weak reigns, its efficiency

fluctuated entirely according to the comparative degrees of interest which the Nazim and the Dewan could respectively command at Delhi. When, however, the supremacy of the Imperial Court became altogether titular, the possession of the sword at once determined the point in favour of the Nazim. The Dewan sank into dependence; and was generally some Hindoo of subtilty and intrigue, the mere creature of the viceroy, and probably the convenient instrument of his avarice or tyranny.

By the usage of the empire, two or three provinces were sometimes consolidated together under the denomination of a *Subah*, and, while individually governed by *Nazims*, were collectively ruled by a *Subahdar*. This arrangement only inserted between the Court and the provincial rulers an intermediate superior, of whom those rulers held as, in some sort, feudatories; but it did not affect the mutual relations of the provincial government and the people. The provinces of Bengal, however, though, properly speaking, they constituted a subah, were governed immediately by a viceroy of imperial appointment, who was indifferently styled *Nabob* and *Subahdar*.

Political philosophers maintain that the provinces of a despotism are generally governed with greater mildness than those of a free state. Under what qualifications this doctrine is to be adopted, it does not seem important here to examine. There can be no doubt that, while the strength of the Mogul

monarchy remained unimpaired, the controul of the sovereign was at least occasionally exerted in checking or chastising the misconduct of the provincial ministers. It will scarcely be pretended, however, that the dependencies of a country can often be in a condition materially preferable to that of the parent country itself. Neither will it be denied, that the Mogul system was essentially pregnant with abuses; nor that a despotic form of government, even when it is best administered, possesses but a questionable claim to the gratitude of mankind. For there can be no doubt that the despots who, whether in the East or in the West, have redeemed themselves from the odium ordinarily attached to that name, have acquired their reputation, rather by the display of some striking virtues, than by the better title of an exemption from many faults.

But these considerations need not be particularly expanded; for it is, at all events, unquestionable, that, when the Nabobs acquired independence, their governments became, in the literal sense, tyrannies, and that they were, generally speaking, administered in a very arbitrary manner. The attachment of the Hindoo people, indeed, to their national religion, and the close connexion subsisting between their religion and many of their civil institutions, would always procure to those institutions, from a prince of common prudence, a certain measure of respect. But, exclusively of this single point, the Hindoos are, beyond all record-

ed nations, submissive and unresisting; and their facility of nature was ungenerously abused by their Mahomedan masters. They were assessed at a higher rate for the customs than the professors of the Mussulman faith; nor was this the only respect in which they suffered a very invidious depression. They did not, however, suffer alone. All classes of subjects were more or less oppressed; every rank in the state tyrannized with impunity over the next; the government almost totally wanted principle; and the Durbar of the Nabob exhibited, for the most part, an offensive scene of intrigue, favouritism, and venality.

In order to verify this summary description, it may not be uninteresting succinctly to detail the modes of procedure which were followed in two departments of the Mahomedan government, the one intimately affecting the interests of some very valuable classes of the community, the other as intimately affecting those of all. These are the financial and the judicial departments. The first remark, indeed, applicable to the subject, is, that, even in designating these departments as two, there is, in the present case, a certain inaccuracy: for, according to the Mahomedan constitution, the administration of the public revenues and that of justice, were, by an evident solecism in policy, frequently entrusted to the same hands. We have seen that the same officer, the Dewan, was both the chief judge in civil causes and the principal minister of finance; and this confusion of cha-

racter, with the occasional addition of a criminal jurisdiction, pervaded the system. Even the Zemindars, farmers, and other persons directly employed in the collection of the revenues, were invested with judicial powers of an irregular kind. The practice, having become inveterate, was, for a time, very properly tolerated by the English; nor are there wanting respectable opinions which maintain that, in a very qualified degree, it should have been suffered still to continue. But, under the Mogul system, it prevailed with little qualification, or rather, with none; and we might safely conjecture, that an arrangement, which entirely confided to the executive officers of the state a province, one important function of which is that of protecting the subject from those very officers, must have been fertile of mischief. That it was so in fact, will appear in the sequel.

The financial policy of the Moguls,* and, as it has been conjectured, also of their predecessors, the Hindoo princes of India, was chiefly directed to the collection of a territorial revenue. By the theory of the Mogul constitution, the crop was annually divided in certain fixed proportions; two-fifths being allotted to the ryot, or actual cultivator of the soil, and of the remainder, greater or less fractions to the landholder, the intermediate renters, and various assistants or agents, while the residue belonged to the state. Such, at least, seems

*See a more particular description in the Bengal Revenue Consultations; Mr. Shore's minute, recorded Feb. 10th, 1790.

to have been the general rule, though subject to modifications. In Bengal, however, the amount payable was not ascertained by a division of the crop raised, but was a sum of money previously fixed by an agreement between the government and the landholder. The usual practice was, for the Subahdar, or his Dewan, annually to summon the Zemindars or landholders, and to prescribe to them certain terms of settlement, those terms being regulated, on a rough calculation at least, by the conceived capability of the land. The landholders, having accepted the required conditions, formed, in their turn, a settlement with the renters; and these, in succession, with their subordinates, down to the cultivator or ryot. In its returns, therefore, the revenue passed upwards, from the ryot, through the head-ryot, of whom every village contained two or three, and successively, through all the graduated scale of renters, to the Zemindar; from the Zemindar to the state. Sometimes, the agency of the Zemindar was dispensed with; and a collector negotiated between the government and the petty landholders. Sometimes, the revenues of an entire district were farmed out on leasehold for a year to an individual having no durable interest in the soil.

Without any minuter dissection of this system, we might surely with safety pronounce it liable to some great objections. The manifold subdivision of the possession of land gave the system, notwithstanding the apparent simplicity of its fun-

damental principle, a practical intricacy extremely favourable to the existence of abuse. On every received principle, also, of political economy, the practice of annual leases, subject to an annual variation of the rent reserved, must, unless counteracted by some stronger corrective principle in the system, than will easily be there discovered, have been highly prejudicial to cultivation. In England, according to the common opinion at least, even the payment of tithe has this tendency; and, with every allowance for the unparalleled productiveness of the soil of Bengal, the effects of a rule, by which the proportion levied on the cultivator amounted to the value of half his crop, could scarcely fail to be pernicious. That effect, it should however be observed, was doubtless greatly aggravated, when the person who immediately negotiated the settlement with the renter or cultivator, was not a Zemindar, having somewhat of a durable interest in the land, but a casual collector or farmer, interested only to extract the maximum of produce in a given time.

But a farther analysis will confirm the presumptions, which a superficial view of this subject is adapted to suggest. The money-revenue paid, as described, in Bengal, was considered as consisting of two parts; the *assul*, or original ground-rent, understood to be the standard-assessment, fixed in the year of the christian æra, 1582; and the *aboab*, or subsequent additions, calculated on the original sum in a certain proportion to the rupee.

In general, the Zemindar or farmer, in his settlement with the state, stipulated only to pay a gross amount; while, in the agreements of the inferior renters, the distinction of assul and aboab was preserved. The aboabs were, in fact, certain imposts, levied, at will, by each rank of landholders or renters on the order immediately contiguous. For every increase in the demands of government on himself, the Zemindar found compensation in a new call on his renters; and the burden increased as it travelled downwards. The compensation was too often sought, where the demand had not been made. Under the colour of exactions from superiors, contributions were imposed on subordinates; which, however, when detected by the superiors, were extorted from the robbers with interest. Nor did the aboabs only prove oppressive in their practical operation, or grievous in their abuse; even in principle, many of them were radically unjust. One, for example, was avowedly an assessment on the ryot, for the purpose of making up any deficiency in the revenue due from such of his brother ryots of the district, as had died or fled the country. By this regulation, whenever the calamity of famine had occurred, and it is of too frequent occurrence in Hindostan, the wretched survivors of a wasted population were taxed with a severity inversely proportional to their numbers.

It may be enquired, by what means a compliance with the vexatious exactions in question

was enforced. In societies constructed on a despotic principle, the imperious and even violent treatment of inferiors is not merely tolerated, but a matter of ordinary usage. The great and the opulent of Hindostan, familiarly deal blows and scourges to the humbler persons in their employ; nor, by the exercise of such authority, is any municipal law violated, or any public feeling outraged. By the practice, besides, of Hindostan, individuals were allowed to compel, of their own authority, the payment of debts owing to them, by the seizure and detention of the persons of the debtors. In addition to these circumstances, the landholders and farmers of Bengal enjoyed, as has already been observed, an ill-defined local jurisdiction, and could thus embark, at pleasure, the justiciary of the country, in the cause of their own extortions. The superior courts, meanwhile, confining their operations to a small circle about the capital of the district, were little accessible to the complaints of retired villages; nor, indeed, for reasons that will hereafter appear, even had those complaints reached their ears, could any reliance have been placed on their disposition to afford redress. In effect, the collection of the arbitrary tributes which made up the revenues, was often accomplished by the unrelenting use, always by the terror, of the scourge.

The sufferings which the landholders inflicted, they themselves in turn experienced. Of the rigour with which the government realized the

payments, some striking illustrations are furnished by the history of the Nabob of Bengal, the first Jaffier Khan. This person had originally been Dewan of the province, and was afterwards, in reward for some very murderous services, promoted by Aurengzebe to the Nizamut. His administration, therefore, not only preceded the acquisition of territorial dominion by the British, but took place during the most prosperous period of the Mogul dominion. The energy, besides, of that administration has gained him particular celebrity: his decisions were highly esteemed; and the blessings which flowed from his government have been extolled by his countrymen with all the exaggeration of the East. "The wolf "and the lamb lived in harmony together; the "hawk and the partridge dwelt in one nest." Nor, indeed, can it be questioned that, in the time of Jaffier Khan, the state of the provinces was greatly more flourishing than at the period of the revolution of 1757. But what is the Indian standard of political excellence, and how great is the elasticity, if it may be so termed, of the resources of Gangetic Hindostan, will appear from the following sketches of the policy of the statesman in question. It should be premised that they are given on the authority of a historian of his own faith, and his professed panegyrist. From this author we learn that Jaffier prohibited all Zemindars and Hindoos from riding in palkees; and the Nazim or executive officer of his orders, "used

" to suspend the Zemindars by the heels, and, " after rubbing the soles of their feet with a hard " brick, bastinado them with a switch. In the " winter, he would order them to be stripped " naked, and then sprinkled with water; and he " used to have them flogged till they paid money. " He employed none but Bengally Hindoos in " the collection of the revenues, because they " are most easily compelled by punishment to " discover their malpractices, and nothing is to " be apprehended from their pusillanimity. When " he discovered that an Aumil (a collector) or " Zemindar had dissipated the revenues, and then, " falling in balance, was unable to make good " the deficiency, he compelled the offender, his " wife, and children, to turn Mahomedans."* That we may fully enter into the force of this striking picture, we must bear in mind that the Zemindars are among the most elevated of the gentry, in a country where there are, properly speaking, no nobles.

The impression which the account that has been given is calculated to make, will be confirmed by a quotation from a treatise on the government and people of Hindostan, by an author of established credit, Mr. Orme. This work was written in 1753, some years before the territorial aggrandize-

* Narrative of the Transactions in Bengal, &c. translated from the original Persian, by Francis Gladwyn, Esq. Calcutta, 1788.

ment of the India Company, and during the administration of the celebrated Alaverdi Khan. "Imitation (says Mr. Orme) has conveyed the "unhappy system of oppression which prevails in "the government of Hindostan, throughout all "ranks of the people, from the highest even to "the lowest subject of the empire. Every head "of a village calls his habitation the Durbar, "and plunders of their meal and roots the "wretches of his precinct: from him the Zemin-"dar extorts the small pittance of silver which "his penurious tyranny has scraped together: the "Phousdar seizes upon the greatest share of the "Zemindar's collections, and then secures the "favour of his Nabob by voluntary contributions, "which leave him not possessed of the half of "his rapines and exactions: the Nabob fixes his "rapacious eye on every portion of wealth which "appears in his province, and never fails to carry "off part of it: by large deductions from these "acquisitions, he purchases security from his su-"periors, or maintains it against them at the ex-"pence of a war."*

The calamities which the Mogul system of finance immediately and in the first instance occasioned, the harassing contests, the cruelty and insolence, to which it exposed the various tenants of land, whatever their denomination, and the general diffusion, throughout this numerous class

* General Idea of the Government and People of Hindostan. Book III. ch. 9.

of society, of the feelings of fear and animosity, did not constitute its only evil. Another mischief, consequentially but inseparably attached to it, was the encouragement which it afforded to chicanery and corruption.

Since the magnitude of the sum annually levied on the land was governed, according to some rough proportion, by the supposed capability of the land to pay, the apparent productiveness of an estate always subjected the landholder or farmer to the danger of an advance in his rent. It further subjected him to the danger of being deprived of his possession altogether; because the favourites of the Nazim and Dewan were ever on the alert to discover the most productive estates, that they might themselves obtain them on the lowest terms. To this last mentioned danger, indeed, the farmer, as holding only from year to year, was more liable than the landholder, whose tenure was considered of a more durable kind; but even the landholder did not possess a complete security. It was, of course, the interest of the one and the other, to conceal, as much as possible, the value of his property, and for this purpose, both employed various artifices of misrepresentation. They withheld the payment of the kist, or monthly instalment, to the latest moment, under the pretext of an inability to make it good. They adopted intricate divisions of their lands, and complex modes of collecting their own dues from the sub-renters, with a view of embarrassing investigation, and

eluding detection. They fabricated accounts of losses which they had not sustained; sometimes describing the country as barren from drought, sometimes as desolated by inundation; and these pleas, with innumerable others, they advanced, not only at the period of fixing the assessment, but also during the whole course of collecting it. As accounts relating to former assessments were frequently called for, it was not unusual in the villages and provincial courts, called Cutcherries, to deposit annually bundles of blank paper, for the purpose of supplying fabricated accounts of elapsed years, which, from the apparent age of the paper, might evade discovery.

The industry of the landholder, in framing and urging these false representations, was met, on the part of the government, by an eagerness equally keen and unscrupulous, in detecting them. This was probably done by the appointment of officers with express commissions to ascertain the real produce and value of the lands; and these commissions were occasionally executed in a manner sufficiently vexatious; but the matter was more often settled by a fraudulent compromise. The commissioners under-rated or exaggerated the value of the estate, in proportion as the landholder gave or withheld from them bribes. Suspicion of these collusive practices, or the mere delay of the commissioners in fulfilling their functions (a delay which frequently lasted many months), led to fresh inquisitions, as to the amount realized by

them during their temporary charge of the collections: and here another contest took place between tyranny and cunning; for misrepresentations of any kind could always be purchased.

The description which has been given of the process by which the terms between government and the landholder were usually adjusted, may also serve for a pretty exact account of the method of dealing between the landholder, in his turn, and the inferior tenantry, and again between the higher and the lower orders of these successively, in a regular descent to the ryot.

It may be added, in this place, that the practice of an annual recoinage, which prevailed under the Mahomedan government, tended, and did in fact lead, to great peculation and abuse. Siccas, or rupees, of three years currency, although not diminished one four-hundreth part in value, were received by the collectors of the revenue, at a discount of three per cent. or more: these were recoined at an expense of about one per cent., and, the difference became the profit, sometimes of the government, but generally of its officers. The landholder, however, or farmer, was not necessarily a loser by this bargain. He had perhaps received this very coin from his under-tenant, at a discount of five per cent., and, by transferring it to the officers of government at three, might actually gain two per cent. The burden, therefore, fell on the under tenants, and, most of all, on the ryots; and, as there was a

great variety of these coins in circulation, it was very oppressive.

It will require no further details to shew, that such a revenue-system as has been described, must have led, in its consequences, to another evil of a very serious kind; the extreme depression of cultivation. Were it possible for the healing powers of nature to keep pace with the mismanagement of man, when exerted on so large a scale as has been described, such an exercise of those powers might have been expected in the province of Bengal, distinguished above every other part of the globe, for an exuberant fecundity of soil. The fact, however, is, that at the time when the perpetual settlement of the revenues of Bengal took place under Lord Cornwallis, one third part of this fine region was a wilderness.

The preceding observations relate entirely to the land-rent, which has always constituted by far the principal ingredient in the revenues of Bengal, and of India in general. It would be tedious to expatiate at the same length on the customs, which also formed a branch, though a subordinate one, of those revenues; but it may summarily be remarked, that, in these also, great abuses prevailed. Exclusively of the custom-houses established by government, which, comparatively speaking, were few, and tolerably well regulated, the zemindars and farmers exercised the liberty of laying tolls on goods of all kinds, *in transitû* by water, as well as duties on com-

modities sold either in the established or in the occasional markets. The toll-houses for these purposes, were erected without any restriction as to number, and without any public regulation as to the rate of tolls. Every thing depended on the discretion of the zemindars and farmers. Thus the internal trade of the country, whether carried on by water or by land, was liable to endless impediments and indefinite extortion.

Such was the revenue department of the Mussulman administration; if, indeed, the term revenue may be applied to imposts, many of which, under whatever pretext exacted, or on whatever grounds originally acquiesced in, became at length, instead of being the gain of the state, the booty of its rapacious and corrupt agents.

It remains to say something of the judicial practice of the same power; a subject which has unavoidably been, in some measure, anticipated in the preceding details, but of which a fuller outline may be interesting. In this, as in every other part of the present delineation of the Mussulman system, it should be noted, that Bengal, our earliest acquisition, is the particular province which sits for the picture.

In the metropolis of the province, the Nazim himself, as the supreme criminal magistrate, presided in the trial of capital offences; the Fojedâr in that of all other criminal offences, which last, however, were always reported to the Nazim for judgment. The chief civil magistrates

were three. The Darogah Adawlut ul Aulea (who was properly the Nazim's deputy) tried all causes of property, excepting such as related to land or inheritance, and also took cognizance of quarrels and affrays; the Darogah Adawlut Dewannee (or Dewan's deputy) tried causes relating to real property; the Cazee, those relating to claims of inheritance or succession. By the constitution, the Cazee had for his assessors, the Mufti, or expounder of the Mahomedan law, and the Mohtesib, who had a separate cognizance over the sale of intoxicating liquors or drugs, and the use of false weights and measures. When these three judges were not unanimous on a cause, it was referred, under the warrant of the Nazim, to an assembly of all the learned in the law. With respect to the Dewan, though properly the fountain of civil justice, he seldom took any personal concern in the distribution of it.

But neither the respective departments, nor the constitutions, of these three civil courts were very accurately defined. The two first encroached on each other at pleasure; and the Cazee generally determined causes without the assistance, or even the presence, of those who should, by law, have been his coadjutors.

In addition to these tribunals, every separate district was furnished with three principal courts; a civil court, over which the Zemindar of the district presided; a criminal court, over which he also presided, but without the power of punishing

capitally, till his sentence should, on a report of the case, have been confirmed by the Nazim; and thirdly, a revenue court, which originally was also held by the Zemindar, but in later times by an officer of the Dewan's appointment. It is generally believed, that from these provincial courts an appeal lay to the correspondent judicatures in the capital; but the appeal was, in fact, usually preferred to the government, which was in the habit of exercising an unlimited discretional power over all the judicial proceedings of the country.

The laws enforced in the courts which have been mentioned, were the Mahomedan. This code, and particularly the criminal division of it, has been much the subject of European animadversion; nor, as it should seem, without considerable reason. Its frugality in the use of capital punishments, may appear to be nearly counterbalanced by its permission of impaling, the mutilation of limbs, flagellations atrociously severe, and the exaction of confessions by means of the torture. Independently of any reference to the penal or judicial processes which it enjoins, it seems chargeable with not a few defects in point of principle; but to convey a just impression of its general tendency and genius, would, in the present place, be impossible. No living and acting body of laws can be fairly described, without a specification of so many minute particulars, both in the provisions of the laws themselves,

and in the dispositions and circumstances of the people among whom they are established, as would be totally incompatible with the brevity requisite in the present sketch. All that can be done, apparently is, to select for exhibition two or three features of a code, so marked and so important, as to render it certain that, by whatever lights, and with whatever accompaniments they might be seen, their character could not be materially affected. In this view, it may not be improper shortly to bring before the reader some of the peculiarities of the Mahomedan law, in its regulations with respect to one of the heaviest offences against the peace of society,—that of murder.

It is among the most elementary maxims of civilized jurisprudence, that the life of every citizen is the property of the state. The Mussulman law, however, regards murder as a crime, rather against the individual, if such a solecism may be allowed, than against the community. Under that law, therefore, although the murderer be capitally punishable, yet the punishment is placed, both in name* and in fact, wholly on the basis of retaliation; on this ground, it is demandable only by the heirs of the deceased, or, if he was a slave, by his master, and, what seems yet more singular, if inflicted at all, it must be inflicted by the immediate hands of those persons,

* *Kisas* or *retaliation.*

From this doctrine, traces of which may be discovered in the antiquated codes of Europe, and even of this country, the obvious deductions actually admitted under the Mahomedan government of Bengal, are most portentous. No man is punishable for the murder of his own slave; for, in that case, he would commit the practical absurdity of retaliating on himself. No man is punishable for the murder of his child, grandchild, or other descendant; for resuming a life which he himself has bestowed, he is only considered as liquidating an outstanding account. So monstrous an exemplification of the rule, though undoubtedly conceded by the Mussulman law, can seldom, it may be hoped and believed, take place; but others, not far less shocking, were, in Bengal, of daily occurrence. The life of the murderer being forfeited to the heir or the master, the heir or the master was, very consistently, authorized, either to remit the penalty altogether, or to accept in lieu of it a sum of money. In consequence of this liberty, it is plain that every man lay entirely at the mercy of those who were to inherit his estate; and, at all events, the fact is, that compositions for murder were notoriously frequent under the native government of Bengal.*

* Harington's Analysis of Laws and Regulations of Fort William, Part II. § 1, 2. Hastings' letter of 10th July, 1773; Proceedings of Bengal Council.

The Mussulman code is not more defective in its doctrines as to the principle of the punishment, than in its definitions as to the nature of the offence. The criminality of murder it very properly places in the *intention* of the perpetrator; but, in the application of this idea, it does not require that the murderous intention should be deliberate. On the contrary, the pre-existence of the intention, even for a moment, is construed to be malice prepense. Although, therefore, homicide is in some cases justifiable under the system of the Koran, yet, those cases excepted, it is never allowed to derive any excuse from the impulse of sudden provocation. This regulation may perhaps be thought to err in favour of justice; but it is connected with others,—perhaps it originally led to them,—of a very different description. The evidence of a murderous design, the Mussulman law does not leave to be gathered from the circumstances at large of the case; but confines it by certain technical and apparently very preposterous rules. To cause wilfully the death of a man by an instrument formed for shedding blood, or by fire, is undoubtedly murder; but various other methods, however deliberately employed, of compassing the same end, the most renowned commentators resolve into culpable homicide,*

* *Shibah-i-und;* or *wilful-like.* That is, as it should seem, *with an evil but not a murderous intent.* See Harington's Analysis. Part II. § 1.

an offence subject only to a fine. Death by the iron edge of a hoe or spade, is generally reputed to be murder: whether death by the iron back of the instrument be murder, is disputed; but all agree that it is not murder when inflicted by the wooden handle. According to some of the highest legal authorities, it is not murder to destroy a man wilfully, either by severe flagellation, or by keeping him in cold water in the winter season, or by exposing him bound hand and foot to the summer sun, or by throwing him from the roof of a house, or into a well; and it is the concurrent opinion of all the best commentators, that it is not murder to destroy a man wilfully by poison, or by throwing him, bound hand and foot, to be devoured by wild beasts.

These distinctions which, under a certain appearance of refinement, are in fact not more fantastic than they are barbarous, possibly owed their origin to that confusion between pre-existent and malicious intention, which has already been noted as a characteristic of the Mussulman system. If all intention, whether momentary or deliberate, equally exposed the offender to the last penalty of the law, it became at least necessary that the existence of the intention should be strictly proved. If sudden resentment was in no degree to palliate the homicidal act, it was no unnatural proviso, that at least the tendency of the act to produce homicide should be obvious and palpable. That is, it was to be so obvious and palpable, that even

by the blindness of furious passion it could not possibly be overlooked. In its effect, however, such a rule is less favourable to sudden resentment than to deliberate malice. The angry stab is avenged by the death of the delinquent, while the more subtle and calculating assassin escapes with a petty fine. The chances of impunity to the criminal are in exact proportion to the diabolical coolness and contrivance with which the crime is perpetrated. Such, however, were the doctrines adopted in the native justiciary of Bengal; and such, also, were the consequences which they produced. Mr. Hastings records a striking instance of a wretch who cruelly held the head of a female child under water till she was suffocated, in order that he might make prize of her clothes and ornaments, and who, being convicted of the offence before one of the native courts, was punished only by a fine.*

As the facts from which murder may be inferred, are, under this code, very few, so the proofs by which those facts must be substantiated are of a very peculiar kind. Circumstantial evidence is in no case admitted. The crime must be made out, either by the free and unsolicited confession of the offender, or by the testimony of at least two eye-witnesses, not being women, nor slaves, and, if the accused be a Mussulman, both of that faith. The last regulation was always enforced in Bengal; and the propriety of it, as

* Letter, 10th July, 1773.

applied to that country, will rightly be estimated only by those who remember that the Mussulmans compose about one tenth of the subsisting population.

No farther comments, surely, need be added on this subject; but, after all that has been said, it cannot surprise the reader to learn, that under the native government of Bengal the frequency of murders was lamentably great.

Of the inequality with which the protection of the law was dispensed to the Hindoo classes of the community, an incidental hint has already been given. In civil matters, indeed, individuals of this persuasion were allowed the option of referring disputes among themselves to their own Bramins. But, if one of the parties was a Mahomedan, or if, both being Hindoos, one or both chose to abide by the decision of the established courts, the matter was determined according to the Mahomedan law. This rule, however, was relaxed in cases concerning *caste*, or otherwise of an immediate religious nature. In the adjudication of such questions, a Bramin was called in to assist and to direct the temporal judge. Still when we reflect on the greatly superior numbers of the Hindoos, on their known partiality for their national usages and institutions, and on the singularity of those usages and institutions, even where they are of a purely civil nature, our minds must revolt at a system which prescribed to this order

of men a violation of their most rooted feelings, as the only price of that justice which every people has a right to demand at the hands of its rulers.

The judicial proceedings of the Mahomedan courts in Bengal were not of a steady or methodical kind. The causes were brought to a hearing at the discretion of the judge; nor, in this respect, did the early institution of a suit confer on it any claim of precedency. Although the decisions were sufficiently summary, the business in all the courts accumulated to an astonishing degree. The matter, when once fairly in a state of trial, was disposed of with little delay; but it had perhaps previously remained in waiting for years. Suitors pleaded their own causes; and the records of the court were so imperfectly kept, that when the English, on their assumption of the justiciary, required a return of the convicts under sentence of imprisonment, the names of many persons were found to be recorded, of whose trials there was no report, and, in many cases, nothing could be collected, respecting the equity of the sentence, or even the nature of the crime.

But there were evils far worse than these, inasmuch as the gross and wilful perversion of justice is far worse than the mere obstruction or neglect of it. Of the malpractices alluded to, the following lively and authentic sketch by Mr. Orme will perhaps both shock and interest the reader. The description primarily respects the Nazim's

own court, the principal seat of justice in the land; but it may readily be believed that the subordinate and dependent tribunals were not more pure.

" The wealth, the consequence, the interest, " or the address of the party, become now the " only considerations. He visits the judge in " private, and gives the jar of oil: his adversary " bestows the hog, which breaks it. The friends " who can influence, intercede; and, excepting " where the case is so manifestly proved as to " brand the failure of redress with glaring infamy " (a restraint which human nature is born to " reverence) the value of the bribe ascertains the " justice of the cause.

" This is so avowed a practice, that if a stranger " should enquire, how much it would cost him " to recover a just debt from a creditor who " evaded payment, he would every where receive " the same answer—the government will keep " one-fourth, and give you the rest.

" Still the forms of justice subsist: witnesses " are heard; but browbeaten and removed: " proofs of writing produced; but deemed for- " geries and rejected; until the way is cleared " for a decision, which becomes totally or par- " tially favourable, in proportion to the methods " which have been used to render it such; but " still with some attention to the consequences " of a judgment, which would be of too flagrant

"iniquity not to produce universal detestation "and resentment."*

At the period of our acquisition of the Dewannee, the custom mentioned by Mr. Orme, of appropriating a *chout* or proportion of all the sums judicially recovered, was professedly adopted by all the civil judges of the country, and seems to have taken the appearance rather of an established rule of law, than of a tolerated irregularity. At first sight it may be thought that the greater publicity of the practice made it comparatively innocent. It certainly could scarcely be itself called corruption, but there seems room to conjecture, that as it occasioned in the first instance, if not a corrupt, yet an unfair influence on the mind of the judge, so it ultimately tended to produce a greater degree of corruption than that from which it originally sprung. Under such a rule of court, every defendant in a pecuniary action, would be tempted at least to neutralize his judge by privately complimenting him with a somewhat larger percentage on the amount of the sum for which he was sued, than the customary *chout*. The plaintiff, knowing or suspecting this, might be expected to restore the balance, if possible, in his own favour, by a similar offering. Thus would be laid a foundation for continued bribery on both sides, with this only difference, that the accused would

* General Idea of the Government and People of Indostan, Book III. Chap. v.

have somewhat the advantage at the beginning. The fact is, that the decisions of the courts in question were generally venal; and even the trial itself may be said to have been sold, as it depended in a great measure on the presents bestowed, whether a cause should obtain a speedy hearing or be adjourned indefinitely.

A similar source of injustice existed in the Fojedarry or criminal courts. The punishment usually awarded in that court was an arbitrary fine, which fine became the perquisite of the judge. To trace the pernicious effects of such an institution would be equally tedious and unnecessary; especially after the observations that have been offered on the parallel abuse in the civil judicatures. The malversations which prevailed in both branches of the judicial office, were the less liable to correction from the extreme defectiveness of their records, which, in the rare event of a superior court feeling itself disposed to review the suspected decision of a lower authority, rendered a full examination of the circumstances attending such decision, impossible. It should be added, that these malversations were not confined to the judicial bench, but extended to the petty officers of justice, whose fees, not being fixed, nor paid under the cognizance of the court, were too frequently settled by corrupt bargain, or rather imposed according to their own discretion.

It may easily be believed, that tribunals thus constituted proved ready instruments of oppression

in the hands of a tyrannical government, and this was another and a great evil resulting from their constitution. The government openly exercised, as has already been said, a very efficient, though an ill defined, controul over all judicial proceedings; and when this ostensible interference might be inconvenient, the darker, but equally sure road of influence was open. An individual, obnoxious to the Nazim, or to some court favourite, was frequently attacked under the forms of justice. In so corrupt a country, he might probably have furnished his enemies with some real ground of accusation; if not, false accusations could not be wanting, sufficiently plausible before a judicature, which had first passed sentence and then instituted the trial.

The last circumstance to be mentioned under this head, is, that, from the extensiveness of the districts into which the country was divided, and the stationary position of the courts, a great part of the poorer members of the society were virtually excluded from the protection of the law. To that class of men, few ordinary injuries could be greater grievances than a long journey and the loss of some days for the sake of obtaining redress. This glaring evil did, indeed, create a sort of cure for itself; a cure, however, which was not only, like all creatures of necessity, anomalous and irregular, but might, in some respects, be thought worse than the disease. The remedy in question was no other than the usurped local jurisdiction,

which, as has been already stated, the Zemindars, Farmers, Aumils, and other officers of revenue, habitually exercised, the usurpation being, in fact, tolerated by the ruling power. Thus, by the defectiveness of the constitution, and the connivance of the government, were these men armed with the means of pursuing, uncontrouled, those oppressive practices, which have already been developed at so great a length.

Under a defective administration of justice, there can hardly be a good police. There are, in India, communities of robbers by profession, called Decoits, distinguished for their desperate insolence and activity. As this race of men is hostile to the whole community, it cannot be supposed but that they generally attract the hostility of the whole community in return. Yet it is a fact perfectly well ascertained, that these banditti were often in league with the village people, and with the zemindars and other landholders; who gave them impunity and intelligence, in exchange for a share of their plunder. The victim of this bargain was the ryot, against whom all the depredations of the robbers were directed, and who commonly suffered them in silence, as well knowing, not only that redress was not likely to be obtained, but that the attempt to procure it, would expose him to the utmost vengeance of the society of Decoits.

But it is time to dismiss this subject, though it is by no means exhausted. The picture which

has been drawn is dark; and may, perhaps, seem overcharged. Those who are of this opinion, would do well to examine the public records of the East-India Company, for the years filling up the interval between their assumption of the Dewanee functions and the time of Lord Cornwallis. The representations of the servants of the Company, employed during that interval in the superintendence of the revenues and the administration of justice, amply verify the account which has just been presented to the reader. They particularize the malversations and oppressions prevalent in both those branches of the public service. They state the obstacles which the British government or its servants encountered in the detection and suppression of such abuses, obstacles opposed to them by prejudice and self-interest. Their motives were grossly misconstrued and misrepresented, their fears alarmed, even their integrity assailed; every art, every form of intrigue, was put in practice, in order to render their humane purposes abortive. The documents which supply this information were not intended for public circulation; they were composed only in the course of business, and with a view to effect improvement. Every line, it should in justice be added, of those voluminous papers, bears witness to that sound ability, that unwearied benevolence, and that conscientious regard for the happiness of mankind, which at length triumphed over all the impediments to reform, and which present a contrast, equally striking

and noble, to the prominent features of that misgovernment, of which they were exerted to avert or to repair the ruinous consequences.

It may be deemed a ground of exception to the documents in question, considered as evidence on the present subject, that they describe, not the Mahomedan government of Bengal, but the Mahomedan government as adulterated by the admixture of English influence. This objection has already been anticipated in a former page. Those, however, who are apt to rely on it, may be reminded, that the corruption of Mahomedan justice appears scarcely a shade less deep in the passage already quoted from Mr. Orme, who wrote some years before the territorial aggrandizement of the Company, than in the records now alluded to. But, perhaps, of the general insecurity of rights under the government of the Nabobs, a more striking idea will be suggested by the following few sentences from the excellent author just mentioned than would result from the most elaborate induction of particulars. "The mechanic or "artificer (says Mr. Orme), will work only to "the measure of his necessities. He dreads to "be distinguished. If he becomes too noted for "having acquired a little more money than others "of his craft, that will be taken from him. If "conspicuous for the excellence of his skill, he "is seized upon by some person in authority, "and obliged to work for him night and day,

"on much harder terms than his usual labour "acquired when at liberty."*

It may be asked, whence it happened that, under a system which provided such few checks to the worst abuses, the commerce and agriculture of the country were not completely destroyed and the whole community disorganized. It is so much the interest of every landholder that his tenants should not be ruined, of every government that its subjects should be well governed, and of society in general that peace and good-will should subsist between man and man, that even lawless tyranny and unbridled cupidity cannot be utterly insensible to these considerations; and consequently there are certain limits,—not indeed very narrow ones,—within which misgovernment and oppression, even where they expatiate most at large, commonly contain themselves. In the absence of all positive restraints, this seems the *natural* barrier to abuse, and it doubtless operated as such in Hindostan. Violence and venality were there without controul, and, in fact, prevailed in a frightful degree; but they did not literally prevail without bounds. The officers of justice were almost universally corrupt: but they had their measures to keep with the public; else the greater part of those whom they lived by fleecing, would

* Government and People of Hindostan, Book I. Chap. iv. The same fact is stated in the Company's records.

have altogether dispensed with their services. The landholders were almost universally oppressive: but their oppression had its limits; else the objects of it would soon have perished or fled, and have left them without any sphere for their mischievous exertions.

Experience, however, proves, that these considerations, after all, exert a feeble sway over minds inflamed with the possession of unrestrained or ill-restrained power; and that, though such minds seek nothing but self-gratification, they always compute it on very short-sighted principles. In the case of the native government of Hindostan, there is nothing to invalidate this remark; on the contrary, every thing tends to confirm it. There were honourable exceptions; but those exceptions are open to the forcible and pertinent remark made on them by an author who has already been quoted more than once. "Providence has, at particular seasons, blessed the "miseries of these people with the presence of "a righteous judge. The vast reverence and "reputation which such have acquired, are but "too melancholy a proof of the infrequency of "such a character." * Mr. Orme might have added, that if the "righteous judges," to whom he alludes as having become so famous, had been tried by an European standard, they would have greatly sunk in reputation; a sure proof of the

* Government and People of Hindostan, Book III. Chap. vi.

general defectiveness of the notions current in India with respect to judicial qualifications. Thus, indeed, alone can the circumstance be explained, that the Nabob Jaffier Khân, should have been renowned for the equity of his decisions. The tolerably honest, but rigorous, not to say murderous, justice of that personage, in itself so shocking, yet shone by contrast, when it was compared with the base iniquity of some of his successors in the Nizamut of Bengal.

This government, however, is now a matter of history. To trace the steps by which it has been superseded, to describe the successive exertions that have been employed in supplanting it, is not in this place necessary, nor would be consistent with the plan of the present sketch, as developed at the commencement of the chapter. Without further delay, therefore, we may proceed to contemplate the government now established in British India.

The East-India Company obtained the grant of the Dewannee in 1765, but they did not assume, under the authority of that grant, the administration of the country, before the year 1770. Without tracing the alterations which their system of government, both at home and abroad, may have undergone since that period, it will be enough to consider that system in its present state.

The legislative and executive functions of the government of India are vested jointly in the

East-India Company, acting generally through its organ, the Court of Directors, and in the Board of Commissioners for the Affairs of India, commonly called the Board of Controul, which is appointed by the Crown, and of which the president has often been a cabinet minister. The authority of these functionaries is, of course, always exercised in subjection to the supreme legislative and corrective power of the parent-state.

Since, however, it is manifestly impossible that the legislative, and much more, that the executive duties of a ruler should be altogether discharged by persons residing at so great a distance from the scene of action as that of England from India, a portion of the sovereign character, in both respects, is delegated to the local governments of India, three in number; to which has, of late years, been added a fourth presidency, yet in its infancy, at Prince of Wales's Island. Of these, the supreme government, which has its seat in Calcutta, and immediately presides over the provinces of Bengal, Behar, and Orissa, exercises a limited control over the measures of the rest; while the constituted authorities at home exercise a paramount controul over the measures of all.

Of the courts of judicature, there are some of which the members are appointed by the Company, or, under their permission, by the local governments; in others, the appointment belongs to the King. The former exercise a jurisdiction over the native subjects in general; the latter,

over British subjects; and over all persons, native or British, who are directly or indirectly engaged in the service of the Company. From the decisions of these courts, an appeal lies, in many cases, to the King in council. The judicial functions, therefore, of the government of India, may be said to reside, partly in the Company, and partly in the Crown.

The duties imposed, and the powers conferred, on the Court of Directors, and on the Board of Controul, respectively, are, as to cases of ordinary occurrence at least, defined with exactness. In a miniature sketch like the present, the finer lines of discrimination cannot well be marked; but the general rule is, that the Court of Directors, considered as the Company's organ, is, in its political capacity, controuled by the commissioners, and, in its commercial capacity, is not controuled by them.

The legislature has so far qualified the commercial monopoly of the Company, as to admit private individuals into a share both of the import and the export Indian trade, provided that those individuals will consent to ship their goods on board the Company's vessels, and will conform to certain other prescribed regulations. For the accommodation of such persons, the Company is bound by act of parliament to provide an adequate amount of tonnage at a moderate rate of freight. That no security might be wanting for the fulfilment of this obligation, it was thought expedient

to confer a right of interposition on a third party. The Board of Controul, therefore, are authorized to take care that sufficient facilities shall be afforded for the prosecution of the regulated private-trade, and that individuals shall be duly encouraged to supply any failure on the Company's own part in satisfying the commercial demands mutually subsisting between India and England.* With this exception, the trade of the Company is subject to no restrictions on the part of the Board.

But the principal, it might almost be called the exclusive, business of the Board is to superintend all concerns relative to *the civil or military government, or revenues* of India. Their superintendence, however, is exercised according to this rule, that the impulse shall always be first given by the Court of Directors, but be subject to modification from the Board. All orders and instructions, therefore, to the Company's servants in India, originate with the Court; but they cannot be dispatched without the sanction of the Board. As the Board may refuse this sanction, so they have the further right of modifying and altering the dispatches of the Directors; but, whenever this right is exercised, they are required to communicate to that body the alterations which they have made, to state to them at large the reasons

* This part of the present system has excited much controversy, but does not require any particular notice in the present work.

on which such alterations are founded, and, in case of a remonstrance from the Directors on the occasion, to re-consider the subject.

Yet there are two cases in which the Board, besides their controuling, have an original power. First, should the Court of Directors neglect to frame any orders or instructions at all on a subject connected with the civil, military, or financial affairs of their dominions, and this in spite of a requisition from the Board that such papers be framed, the Board, after a reasonable allowance of time, may themselves supply the deficiency, by preparing orders or instructions, which shall be considered as conclusive; with a reservation, however, to the Directors, of the right of remonstrance. Secondly, in cases of political negotiations pending between the British governments in India and the country powers, where it shall appear to the Board that secresy is indispensably necessary, they are empowered to issue their instructions to those governments, not only without any suggestions from the Directors, but even without their privity. It is, however, expedient that the Directors should, in India, be held up as the ostensible head of the government. On the other hand, it would be highly unjust that they should be made responsible for measures over which they cannot possibly have any controul. To obviate this dilemma, a secret committee of Directors is from time to time appointed, of a number not exceeding three, to receive the instructions

of the Board in the instance specified, and to transmit them as required. Although this committee be not empowered to alter the instructions sent by the Board, it is apparently not precluded from the full right of exercising its judgment on them, and of submitting to the Board such advice or remonstrance as the matter of them may suggest.

The institution of the Secret Committee of Directors seems the most exceptionable part of the machinery of Indian government. The account, however, which has now been given of it, may shew that it is not liable to one objection sometimes urged against it; namely, that it must have the effect of misleading the Company's servants abroad with respect to the sentiments of the Court of Directors. That the part acted by the Secret Committee in transmitting dispatches to India, is purely ministerial, has been settled, not by consent or custom, but by a public act of parliament.* The Company's servants abroad, therefore, either know, or ought to know, distinctly, that, for dispatches so transmitted, the responsibility attaches exclusively to the Board of Controul.

If the Directors are of opinion that the Board have, in any instance, exceeded their legitimate powers, they are entitled to petition his Majesty, who shall decide between the parties. This pro-

* 33 Geo. III. c. 52. § 19.

viso was much ridiculed in the House of Commons during the discussion on the act which contains it. An appeal from the King's Commissioners, that is, in effect, from the King's Ministers, to the King in Council, that is, to the King's Cabinet, certainly cannot but labour under some disadvantages. It, however, affords an opportunity for a full and formal re-hearing of the matter in agitation, under the solemnities and with the publicity attending a judicial proceeding, and with a particular reference to those high legal authorities, whose opinion usually guides the committee on matters of appeal, and whose personal credit is interested in the rectitude of the decision.

Still the weight of the Board of Controul, or, as we may call it, of the King's Ministers, in the government of India, great in itself, and usually seconded, we may presume, by the whole weight of the general influence of the Cabinet, would altogether overbalance that of the Directors, were it farther increased by any large share of the abundant patronage possessed by the Company. Such an augmentation, besides, of the influence of the Cabinet at home, could not be viewed without alarm by the friends of equal liberty. The legislature has, therefore, excluded the Board of Controul from any direct participation in Indian patronage, by denying to them the power of nominating any of the Company's servants; which power is entrusted to the Court of Directors. It has likewise excluded them from all direct means

of influencing those whom the Company shal have so nominated, by denying to them the power of bestowing salaries or gratuities of any kind on the Company's servants; and this power likewise is lodged in the Court of Directors, but with the condition annexed to it, that every particular exercise of it shall be preceded by a notice of thirty days to Parliament. It is, perhaps, hardly necessary to add, that, as the Directors may appoint their own servants, so they may recall them.

It might seem, however, an anomaly in government, if a body of men, controuled in all its political functions, were left perfectly uncontrouled in its choice of those by whom its political measures must be executed. As a provision, then, against extreme cases, it is competent to the King, by a writing under his sign manual, countersigned by the President of the Board of Controul, to remove or recall any of the Company's officers, civil or military. Thus is a *negative* on the nominations of the Court of Directors granted to his Majesty, or rather to his Majesty's Ministers. But the peculiar formalities annexed to the use of this privilege, entirely distinguish and separate it from the ordinary rights of the Ministers, as represented by the Board of Controul, and constitute no slight security against the perversion to which possibly it might otherwise be exposed.

Should the Directors suffer the office of Go-

vernor, or that of Commander-in-Chief, or that of a Member of Council, in India, to remain vacant for two months, the appointment lapses to the King; nor are the Directors allowed to recall an individual appointed, under these circumstances, by the King. It is plain that this regulation can act merely as a stimulus on the Company, to supply, without delay, the vacancies that may occur in the important situations just enumerated.

On the whole, such are the powers severally possessed by the two great members of the Indian government; possessed by them, not merely in law, but substantially and in practice. The main distinctions between their respective provinces are, as was observed, well settled and understood. In some minor respects, the line is not so clearly drawn; a circumstance which will excite no wonder in those, who, on the one hand, consider the immense variety of Indian affairs, and, on the other, reflect how many cases legislative anticipation, even when most nearly perfect, must leave to the supplying hand of time and occasion. An instance, indeed, cannot be found,—for even the British constitution is not one,—in which co-ordinate powers of government are separated by a rule of demarcation so unvaryingly certain, that no pretext for hostility may, in the course of occurrences, arise on their common frontier. In these cases, however, unless where the parties have totally fallen from public spirit, and are des-

titute of an enlightened regard even to their own interests, the expediency of reciprocal concession and conciliation is too obvious to permit the indulgence of petty or vexatious jealousies; and this remark has been fully exemplified in the mutual transactions of the Court of Directors and the Board of Controul.

This spirit of accommodation in co-estates is requisite, with respect, not merely to their assertion of dubious claims, but also to the employment of such rights as they possess beyond dispute. Whenever one authority is armed with a negative on the acts of another, it evidently is endowed with the faculty of completely obstructing, at its pleasure, the course of public business; and to such perversion, every balanced constitution must, in point of possibility, be necessarily liable. Yet, without supposing extraordinary disinterestedness in the parties concerned, we may generally rely on it, that no such perversion will take place; that the sovereignty common to both, will by both be more valued, than the distinctive privilege by either; that the pride of displaying power will yield to the ambition of using it. For, though, according to the just sentiment of a great orator, the attempt to lay the basis of civil institutions in "rare and heroic virtues"* be most preposterous; yet it does not appear how any frame of polity can be constructed otherwise than on the assump-

* Burke.

tion of at least an average degree of good sense and public spirit in mankind. Certainly, without these, forms, however skilfully devised, must in no long time become a dead letter.

The Directors and the Board of Controul are in the situation described. The one may originate measures; the other may pronounce a veto on the measures originated. The one, again, may remonstrate; the other may reiterate. If the chief wishes, then, of either center in the object of harassing the other, both possess, in no small degree, the means; and thus, civil wars might perpetually be carried on between them, of which, however, the public interests would have to bear the expense. Against the occurrence of such an event, the public possess a security in the known fact, that authorities so balanced generally acquire the habit of mutual respect and forbearance, and learn to preserve their equipoise without the wear of continual resistance and collision.

Should the checks, however, which evident convenience imposes on the two powers here in question, be found insufficient to deter them from mutual encroachment or contentious opposition, there exist other and still stronger preventives of such misconduct. Both parties have a right of appeal. It is not meant to allude to the appeal which may be preferred by the Directors to the King in Council. That being, in some sense, addressed to the very persons who have provoked it, can be considered only as a graver and more

solemn form of remonstrance. But both parties may appeal to parliament and to the public; and, in effect, under the eye of parliament and of the public do they constantly act. It must be within the memory of every reader, how frequently the discussions on Indian subjects that have passed between the Court of Directors and the Board of Controul have, either by a vote of parliament or otherwise, been brought before the constituted authorities of the nation, and thus before the nation itself. The liability to this public examination is ever felt by both bodies; and it must necessarily operate as a powerful auxiliary check on the proceedings of each.

The general duties and relative powers of the Board of Controul and the Court of Directors having been explained, some account may next be required of the interior structure of those two bodies.

Of the constitution of the former, a very short description will suffice. It consists of such members of the Privy Council, of whom the two principal Secretaries of State and the Chancellor of the Exchequer shall always be three, and of such other two persons, as his Majesty shall appoint. By the act,* three members constitute a board, and the President, who is named by the Crown, has, in cases of equality of voices, a casting vote. It seems, however, to be tolerably well under-

* 33 Geo. III. cap. 52, § 3, 4.

stood, that the business of the Board is generally transacted by the President, or, as he is sometimes called, the Minister for India.

The organization of the Court of Directors, considered in their double capacity of a political and a mercantile body, and controuled in some respects by their constituents, the Proprietors of East-India Stock, is far more complex, and must be particularly analysed.

The Proprietors of East-India Stock, or, as they are in fact, the Company, consist of about 3000 persons. Those, however, whose stock does not amount to one thousand pounds are not allowed to vote, though such as are possessed of five hundred pounds stock may be present in the General Court of Proprietors. The possession of one thousand pounds of stock is a qualification for a single vote; that of three thousand, for two votes; that of six thousand, for three; that of ten thousand and upwards, for four. By the latest list of Proprietors, 1662 are qualified to give single votes; 326, double votes; 84, triple votes; and 51, quadruple votes. The number of votes, therefore, in all, is 2770. But, as many of the proprietors are absent from England, either in foreign Europe or in India, the fullest ballot has never exhibited any thing like this number. Perhaps we may fix 1900 as the maximum of effective votes.

The Court of Directors is composed of twenty-four members, chosen by a majority of the Proprietors, from their own body. The term for which they serve is four years; after which they

are not again eligible within a twelvemonth. In general, six Directors are every year chosen, in the room of six who have completed their term, and the latter are commonly, though by no means invariably, re-elected the following year.

The qualification for a seat in the Direction is two thousand pounds of stock. By the by-laws of the Company, Directors are prohibited from trading to or from India, on private account; nor by the statute of the 13th Geo. III. chap. 63, can any person who has been in the Company's civil or military service in India, be elected to this situation, unless he shall have been for two years resident in England.

The Court of Directors is required, by the laws of the Company, to meet once in every week at least; but it is in the habit of meeting oftener. Thirteen constitute a Court. The General Court of Proprietors is obliged, by act of parliament, to meet, at stated intervals, four times in the year; but it may also meet at other times. The Directors are authorized to summon the General Court, when they have any matter to propose to its consideration. They are also bound to summon it, on a requisition to that effect being made by nine proprietors, possessing each not less than a thousand pounds of stock.

As, in their political character, the Directors are checked by the Board of Controul, so it may be said, that they are checked, in their mercantile capacity, by the Court of Proprietors. Not

that the parallel between the two cases is exact. A large deliberative body, like that of the Proprietary, however competent to frame regulations, or to revise particular measures, is manifestly ill fitted to manage the detail of business; which, therefore, is left in the hands of the Directors. On the other hand, the General Court is empowered to pass by-laws, for the good government of the Company's trade and of the officers concerned in it. It also inspects and controuls all pecuniary grants made by the Directors. In general, however, it has no direct political superintendence over that body. To the Directors also, it leaves the appointments of the Company's servants abroad; and this arrangement appears to be sanctioned by the acts of parliament relating to the subject.

But it must not be supposed that the Proprietors, therefore, view with indifference the political transactions of the Directors, any more than it could be supposed that the Commons of England view with indifference the exercise of the royal prerogative, even while that prerogative contains itself within its legal limits. As a represented order of men, the Proprietors, who have delegated, not abandoned, their concern in the sovereignty of the Indian empire, are deeply interested in the political proceedings of their representatives. As a popular body, containing its share of the education and general knowledge characteristic of the age, they are qualified to judge of those proceed-

ings. As an organized deliberative assembly, they have the opportunity of comparing and expressing their opinions. As electors, they may, with some authority, announce their opinions to those whom they have chosen, and who are likely to be again candidates for their choice. This last remark, indeed, might have been put far more strongly; for the Court of Proprietors has actually a right to displace a Director who misconducts himself in his high station. No instance, however, of a recourse, on their part, to this strong act has occurred in modern times; although they have occasionally resorted to resolution and remonstrance.

Nothing remains, on this part of the subject, but to notice the rules of arrangement, to which the Court of Directors conform in the administration of their various concerns. Besides occasional committees, appointed for some specified purpose, the members of the Court are subdivided into twelve permanent Committees, to each of which a separate province is assigned. Of these Committees, four are composed, in common, of the Directors of the longest standing and experience; four others, of the Directors next in the course of seniority; and a third class of four consists of the junior Directors.

The Committees of the first class are: the *Committee of Correspondence*; who, among other duties of a less important kind, receive and examine the advices from the Governments of India,

with the voluminous records of the proceedings of those governments, in the political, financial, military, and public departments; investigate the various branches of the Indian accounts; and prepare and submit to the Court of Directors, the dispatches intended for their settlements abroad on all but subjects of a commercial nature,—dispatches, containing, on the one hand, original instructions, and, on the other, strictures and orders with regard to the transactions reported from India. The Committee are, farther, entrusted with the province of reporting to the Court the number of ships requisite in each season, and also, the requisite number of writers and cadets. The *Committee of Treasury;* who, under the orders of the Court, preside over the receipts on account of the sales of the Company at home; negotiate loans for the Company; provide for the payment of their exports, their dividends, the interest of their bonds, and other outgoings; purchase bullion for exportation; and, in general, regulate the financial affairs of the Company at home. The *Committee of Law-Suits;* who superintend all matters of litigation, whether in England or in India, in which the Company are parties. The *Committee of Military Fund;* who direct the application of a fund, originally left by Lord Clive, and subsequently augmented from other sources, for the support, either of persons invalided, or of the widows of such as have fallen, in the military service of the Company.

In the second class, the Committees are: The *Committee of Warehouses;* who are charged with the regulation of all the investments in India and China, and of the disposal of them in England; with the inspection of the proceedings of the commercial departments in India and China; with the preparation of all dispatches, transmitted to those countries, on commercial affairs; and with the purchase of certain articles of military stores exported to them, and also, of some other exports, as wine, and copper. The *Committee of Accounts;* who superintend the home accounts of the Company; inspect the bills drawn on the Company, whether at home or from abroad; and prepare statements of their concerns, for the use of the Directors, of the Proprietors, and of Parliament. The *Committee of Buying;* whose province it is, to purchase and prepare certain commodities for exportation; chiefly lead and woollens. The *Committee of House;* who regulate the concerns, both of the India-House, and of the warehouses belonging to the Company; order repairs; appoint the inferior servants attached to the India-House; and form rules for the attendance of the clerks.

The third class is composed of the following Committees: the *Committee of Shipping;* who direct all concerns relative to the shipping employed by the Company, to the distribution of the outward cargoes, to the embarkation of troops, and to the repair of the packets and other vessels immediately owned by the Company. They also pur-

chase marine stores, provisions, and a few other minor articles of export; and they inspect the conduct of the marine servants of the Company, for these, it will be observed, have a regular establishment and promotion in that service, although the ships are, for the most part, not the property of the Company, but only hired for such time as they will last. The *Committee of Private-Trade;* who adjust the settlement of freight and demorage with the owners of the ships chartered by the Company; regulate the indulgences in the homeward private-trade granted to the commanders and officers of the Company's ships; and see that the goods of individuals imported on the Company's shipping are regularly accounted for to the owners. The *Committee for preventing the Growth of Private-Trade;* now greatly blended with the Committee last-mentioned, though originally instituted as a check upon it;* the primary business of this Committee is

* Some years ago, when the Indian Privilege Trade, or the trade allowed by the last Charter Act to private individuals on board the Company's ships, was a subject of warm public discussion, the appellation of the Committee for preventing the Growth of Private Trade seems to have been urged, not very candidly, as a decisive proof of the hostility of the Company against the Privilege Trade in question. "There has been," says an author of that time, "for many years, and still exists "among the permanent committees, a Committee to prevent "the Growth of Private Trade; shewing, by its very name, "that Private Trade is, and was, a determined object of their "jealousy and opposition." The Committee in question was

to observe that the privilege of trade granted to the Company's naval commanders and other officers, be not fraudulently exceeded. Lastly, the *Committee for Government Troops and Stores;* who adjust and liquidate, in general, the accounts rising from the employment of His Majesty's naval and land forces, especially of the latter, in the East-Indies.

It should be observed, that the Chairman and Deputy Chairman of the Court of Directors are, by virtue of their office, members of every Committee in each class; and it needs scarcely be added, that, as all these Committees emanate from the Court, so they execute the detail of the departments severally confided to them, under the revising eye of that body. It will also be, of course, understood, that each Committee is provided with a set of officers, generally trained up from early youth in their respective departments, and thoroughly acquainted with the busi-

first instituted, though not then as a standing Committee, in the year 1715. The task assigned them, was to check the abuse of the allowance of trade enjoyed by the officers of the Company's ships; an abuse which had, in some instances, been flagrant. This, in effect, is the *Private Trade* generally understood in the technical phraseology of the India House, and so distinguished from the *Privilege Trade* before mentioned. With the prevention of this Privilege Trade, the two Committees of Private Trade (which, in fact, are nearly united) have no concern. All the concern of any kind that they have with the Privilege Trade, is, that they pass the account sales, and order payment of the proceeds; but this is rather a promotion of it than a prevention.

ness which they have to conduct. That the general arrangement which has been described, wants technical exactness, is perhaps rather a circumstance in its favour; for no institution can be technically exact, which is the slow creation of experience. As a practical system, though not in all points free from objection, it has been found on the whole to answer every requisite end. It is that system by which the complicated business of the India House has, for nearly thirty years, been conducted, without any of that confusion of functions or distraction of attention, which, to an inaccurate observer, might seem inseparable from the proceedings of an united body occupied by a vast variety of duties.

A clear view, it is hoped, has now been given of that part of the Indian government which is situated at home, and which may be called the *root* of it. It is time to follow its ramifications into the East.

The grand object aimed at in the constitution of the Indo-British government, has been the union of great local energy and efficiency, both with a due mixture of powers, and with a complete subjection to the lawful authorities at home.

In securing, with respect to a remote dependency of the empire, the second of the two proposed advantages, that is, the union of local efficiency with the exercise of a controul at home, it may be a serious question, how far the power of the local government shall be discretional. Dis-

cretional, in some degree, it must be; but shall the discretion be tied down to a few extraordinary and specified cases, where to dispense with it is physically impossible; or, shall it, under the guard of a deep responsibility for the manner in which it is exercised, be extended to all or most of the functions of a supreme government? In the former case, the local authorities are little more than, as it were, the *intelligencers* of those at home. They submit to them accounts of the state of the country, accompanied with drafts of such measures as, in their judgment, require to be adopted, and with the names and pretensions of such individuals as appear the best qualified to fill particular offices. In the other case, they are, in a great measure, truly *representatives.* On their own judgment, they legislate, execute, and appoint; but, if improperly, their superiors at home may reverse their acts, and recall, or even punish, themselves. The government of India is constituted on the latter principle, and, it is apprehended, very wisely. A delegate, commissioned to conduct a particular negotiation, or to perform a particular service,—where the contingencies lie within narrow limits, and where the evils of delay may previously be estimated and allowed for,—may perhaps act with effect under very rigid instructions, and at the risk of referring back, in a doubtful instance, to his employers. But it is otherwise, when the business to be transacted, comprehends the entire concerns, foreign and do-

mestic, of a nation. In these, a thousand emergencies arise, equally unexpected and pressing; occasions, which cannot be foreseen, and which will not wait. As no government can be sagacious enough to anticipate the boundless variety of human affairs, so no government, situated at a distance, can be prompt enough to keep pace with their perpetual mutability. The consequence is, that, on the system of governing a distant province by peremptory instructions, either the work of governing is often not done at all, or, which is more likely, necessity drives the provincial ruler to forced interpretations of his nstructions, or to confessed departures from them, and the ultimate authority to a connivance at the one class of irregularities, and to acts of indemnity for the other. Add to this, that the apparent propriety of political regulations of a local nature frequently depends on circumstances which, though they may be perceived and felt by an enlightened observer, are too fine and minute to admit of very accurate delineation in a transmissible report. Many cases may occur, therefore, in which the governors at home shall be compelled, if they would act safely, to adopt the advice of their delegate on trust, only holding him bound by his general responsibility. Thus, whatever form of administration be selected for a distant dependency, things will still *tend* to the system of ample discretion united with entire responsibility; and much unnecessary inconvenience may be avoided by the adoption of this

system in form. The controul of the parent-power cannot be present or immediate; it can only be precedent and subsequent; precedent, by the appointment of a capable local administration, and subsequent, by a strict revisal of their measures.

But, in the construction of this local government, entrusted, as it is to be, with so large a share of discretion, another question arises. Shall the supreme functions reside in a governor assisted by a mere council of advice, or in a governor checked by a council of controuling authority? In the former case, we shall have greater energy of conduct; in the latter, better security against misconduct. With regard to the enactment of laws, and the distribution of justice, this question is not very embarrassing. In those departments, though the proceedings cannot be too regular or punctual, yet rapidity and decisiveness of movement are not of prime importance; and that unity of power which would give these qualities, might perhaps be converted into an engine of tyranny. The only problem is to restrain, and yet not to cripple, the *executive* vigour of the state; a problem especially perplexing in the case of India, where the peculiarity of our situation, as a handful of men in the command of a vast empire, seems equally to demand a very energetic and a very cautious administration of affairs. The best expedient for combining, as far as the nature of things will admit, these different, and almost con-

tradictory attributes, seems to be this; that the executive functions shall, in the ordinary course of things, be discharged by two or three persons collectively, persons nominated to their posts by the government at home; but that the chief executive magistrate may, in rare exigencies, involving, as he thinks, the vital interests of the country, singly assume the whole authority of the state; provided only, that the measures which he proposes shall first be formally discussed, in writing, in the cabinet, and that accurate minutes of such discussion shall afterwards be transmitted home, it being at the peril of the President to prove to his employers that he did not resort to his dictatorial power without good cause. Thus the responsibility of the chief magistrate is aggravated at the same moment, and in the same degree, that he is released from immediate limitation, the one restraint compensating for the loss of the other; and, though this arrangement may be liable to some theoretical objections, it seems the best practical plan that can be devised for associating, in the executive government of a province, the wisdom of several with the vigour of one.

The governments in India are constituted in pretty exact conformity with these principles. The legislative, the executive, and partly the judicial powers, of a presidency, are entrusted to a governor checked by a council. The council consists of two persons, selected from the body of the civil servants by the Directors at home; and to

these, generally, but not necessarily, the military commander-in-chief of the presidency is added. The council discuss, together with the governor, the measures proposed by him, and are, on the other hand, authorized to propose measures themselves. The opinions and arguments on all sides are delivered in writing; if remarked on, if controverted, if defended, all is conducted in writing; and the writings are regularly entered on the minutes of the government. The matter is usually determined by vote; and the acts of the government all run under the title of the governor in council, or, if the presidency be that of Calcutta, of the governor-general in council. On very extraordinary occasions, however, the governor is empowered to take his own measures, independently of his council; but, in such a case, it is expressly and formally entered on the minutes that he acts on his individual responsibility. The statute, farther, which confers on the governors this high privilege, provides that it shall not be understood as giving them power or authority "to make or "carry into execution any order or resolution "against the opinion or concurrence of the counsellors of their respective governments, in any "matter which shall come under the consideration "of the said governor-general or governors in "council respectively, in their judicial capacity; "or to make, repeal, or suspend any general "rule, order, or regulation for the good order or "civil government of the said United Company's

"settlements; or to impose, of his own autho-"rity, any tax or duty within the said respective "governments or presidencies."* Although this clause is not worded with that perfect accuracy that might have been desirable, the general object of it is plainly to restrict the exercise of the privilege in question to that class of the governor's functions which may, in the language of Montesquieu, be called *executive*.

The laws or ordinances of the government are enacted under the name of *regulations*, and are published, not only in English, but in all the dialects of the country. They extend to every department; to the administration of civil and criminal justice, to the police, to the revenues and customs, and to commerce. The local offices, also, in the Company's service, are generally, as they fall vacant, filled up by the government, the choice, of course, being restricted to those who are covenanted servants of the Company, and who have attained a certain standing, proportionate to the importance of the vacant office. The discretional liberty, therefore, of the local power is very extensive.

But this discretion is exercised under a heavy responsibility to the ultimate authorities in England, to whom the minutes of the proceedings of the government, containing an accurate account, not only of all their measures, but also of all the discussions which may have taken place

* 33 Geo. III. c. 52, § 51.

in the council-board, are regularly transmitted; by whom, consequently, every thing is seen, heard, and revised; who may reverse any of the arrangements made by the local governments, or remove any of the members of whom any of those governments are composed.

The foregoing description applies particularly to the government of Bengal, otherwise called the Supreme Government. To make it applicable to those of the subordinate presidencies, it should be added that these are subject, not only to the inspection of their employers, but also to that of the supreme government. The act of the 33 Geo. III. c. 52. gives the Governor General in Council "full power and authority to superintend, con-"troul, and direct" them "in all such points "as shall relate to any negotiations or transac-"tions with the country powers or states, or "levying war or making peace, or the collection "or application of the revenues of the said acqui-"sitions and territories in India, or to the forces "employed at any of such presidencies or go-"vernments, or to the civil or military govern-"ment of the said presidencies, acquisitions, or "territories, or any of them." In this enactment, it apparently was the intention of the legislature to endow the supreme government with so much superiority, as might suffice to secure to all the different depositories of power in India an unity in their foreign transactions, and a general

identity of system in their internal administration.

On the qualifications requisite in those who are preferred to the offices of the government, or on the personal conduct expected from them during the continuance of their administration, it is not needful to be diffuse. Beyond two or three fundamental regulations, positive law has not attempted, nor could have effected, much in this case. The statute directs that the civil members of the council shall previously have resided in India, as servants of the Company, for not fewer than twelve years. It farther both consults the dignity, and guards the official purity, of the persons constituting the government, by the provisions that they shall abstain, in common with other functionaries of high station in India, from all commercial dealings except on account of the Company, and, in common with every person exercising any employment in that country, either under the King or under the Company, from the acceptance of all gifts or presents.

Such is the constitution of the civil governments of India. That a fuller idea, however, may be furnished of the mode in which the civil administration of the Indo-British state is conducted, a short analysis shall be exhibited of the subordinate machinery destined to that end; afterwards, a concise account will be given of the provisions adopted for the distribution of public

justice; and this subject may naturally lead to some view of the actual effects that have been produced by the system in general, on the rights and happiness of the people. The military institutions of the Company will, lastly, demand a separate consideration.

Since the provisional legislative power of these Indian governments is unalienably attached to the respective governors and councils, to describe the constitution of the government in council, is to describe the nature of that legislative power. The power being exercised by the government without any local responsibility, without any delegation, without any subordinate agency, so soon as the principals are described, the subject is very much at an end. It may be added, however, that, though the Governor in Council be independent of all local controul, yet public functionaries in subordinate stations are by no means precluded from the privilege of offering him their advice. On the contrary, the Bengal regulations expressly authorize some high constitutional bodies, as the Courts of Judicature, and the Board of Revenue, to propose to the Government such regulations, connected with their respective departments, as may appear to them expedient. The same liberty is even bestowed on the inferior magistrates and collectors, only that the propositions of these officers must travel to the Governor in Council circuitously; those of the former through the medium

of the Superior Courts, those of the latter through the medium of the Board of Revenue. These propositions become, of course, matters of discussion and of record.

So much may suffice for the *legislative* department of the civil government. But to the *executive* department many functions belong, in which the business must be transacted entirely by agency; in which the state works, as it were, not with the hand, but by means of machinery; and in which, therefore, if we would judge properly of its efficiency, we must examine the nature of the machinery which it employs. Such, for example, in a pre-eminent degree, is the province of realizing the public revenues.

The India Company, however, are a commercial as well as a political body; their governments abroad are commercial as well as financial governments; and matters of trade can, no more than those of revenue, be carried on without the intervention of agents. Hence, the machinery employed in the executive administration of the Company's department of the Indo-British government is of two kinds; that which is directed to the concerns of the revenues; and that which is engaged in the management of commerce. The latter might pass unmentioned in this place, were it not that some slight notice of it seems requisite to a full synopsis of the Indo-British system. It is to be observed, that the following account of these two departments refers

primarily to Bengal. The course of business, however, in the other Presidencies, though not so perfect, is very similar, especially in that of Madras.

The key-stones of these departments respectively, are two Boards established in Calcutta. The Board of Revenue consists of a President, who is also a member of the Government, and three other members, who are Company's servants of high standing and experience. All its members are chosen to this office, in the first instance, by the Government. It superintends the settlement and the collection of the land revenues, the collection of several other taxes, and the management of various matters growing out of these concerns, throughout the provinces which fall under the presidency of Fort William. The Board of Trade is similarly constituted. It superintends the commercial concerns of the Company throughout the same provinces, and, besides this, the manufacture and delivery of the articles of salt and opium, of which articles the Company have the monopoly; as also the collection of the government customs, levied at several of the principal cities.

The principal officers employed under the superintendance of the Board of Revenue, throughout the provinces of Bengal, Behar, and Orissa, including the comparatively recent acquisitions of country, obtained, partly by cession from the Nabob Vizier, and partly by conquest from the

Mahrattas, are about thirty-five in number. They have various stations allotted to them, and are generally known by the appellation of Collectors of Districts, or Collectors of Revenue. Their appointment rests with the Government; which, however, must select them from the body of the regular civil servants, or those serving under covenants; and, according to the importance of the station at which they are to be placed, must be their standing in the service. They are furnished with subordinate officers, native and European; and some of them with assistants from the regular civil service.

The same description applies to the principal agents of the Board of Trade; and they amount to about the same number. Nearly half of them are Commercial Residents; the majority of the remainder, Custom-Masters; and the rest, Salt and Opium Agents.

The chief duty of the collectors is, to collect punctually the territorial revenues. In the discharge of this duty, they are not left, as under the Mahomedan government, to tax the landholders at discretion. The lands in general, throughout the provinces, have been settled at a fixed rate of rent for a perpetuity. Thus one great source of the abuses which, under the Mahomedan system, springing from the discretional demands of the official functionaries, flowed down, in an enlarged stream, along the whole

succession of sub-collectors, landholders, tenants, and sub-tenants, is for ever closed. There are still, however, some lands, which, being held in farm, and therefore not included in the perpetual settlement, the collector is employed periodically to settle; but this office he executes under immediate and strict directions from the Board of Revenue. He has the farther duty of prosecuting for the resumption of lands in behalf of which the holders claim to be exempt from the payment of rents, where such lands are held on grants fictitious or otherwise invalid. He also provides, under the supervision of the Board of Revenue, for the management of the estates of landholders disqualified by sex, minority, or lunacy, and for the education of such as are minors. He superintends the division of joint estates. He apportions the assessment on lands ordered to be sold by the courts of judicature in discharge of an arrear of revenue. He procures lands, on the part of government, for sepoys invalidated in the service. He is charged with the payment of certain eleemosynary pensions, which, under the native government, had been granted to Bramins, Fakeers, or Mahomedan families in a state of decay, and which were made chargeable either on the territorial revenues or on the inland customs. He superintends the public embankments; an object of moment in a country extremely subject to inundation. He collects the tax on spirituous liquors and drugs. He has, likewise, other du-

ties of a subordinate kind, chiefly growing out of the functions already enumerated. That the Collector may have no interests separate from those of the public, he is not allowed to trade, nor to hold, directly or indirectly, a farm, nor to lend money to a landholder. Neither has he, like his predecessors under the native government, a judicial as well as a ministerial character; unless, perhaps, in the trifling case of deciding on claims to eleemosynary pensions, of the kind already described. Even in this instance, however, his jurisdiction vests only when the sum claimed is of a very small amount, and an appeal always lies from his decision to the Board of Revenue. Beyond this point he possesses no power, except that of bringing defaulters to trial before the regular courts of justice, to which, at the same time, he is himself amenable for irregularities committed in his official capacity.

The collector is obliged to keep a diary of all his proceedings, to correspond regularly with the Board of Revenue, to transmit to the Board periodically, or whenever he is required, all such accounts, papers, and information, as he can furnish, as well as registers of his receipts for payments of revenue, and his opinions on claims for pensions exceeding the amount on which he is authorized to decide.

The business of the Board of Revenue is to see that the revenues are punctually realized, to superintend, in all respects, the conduct of the col-

lectors, and to suspend or report them, if they misconduct themselves. Neither the Board collectively, nor its members individually, are allowed to be concerned in any sort of trade, or in loans with any person responsible for the public revenue. The Board is a Court of Wards, to superintend the management of the estates of landholders disqualified by sex, minority, or lunacy, and the education of such as are minors. It possesses also jurisdiction in appeals from the collectors respecting claims to pensions. But, with these exceptions, it has no judicial authority, unless that appellation be affixed to its power of punishing its officers and servants, or compelling the landholders to produce their accounts.

The Board is obliged to keep regular minutes of its proceedings; to report every important matter to the Governor-General in Council, for his sanction, previously to a final resolution on it; to refer to government all cases, reported by the collectors, of claims for pensions beyond a certain amount, accompanied by the opinion of the Board itself on such case; to transmit to government a monthly report of its proceedings, and another copy of such report for transmission to the Court of Directors, and implicitly to comply with all the requisitions of government for such accounts, papers, or information, as it may have the power of furnishing.

The Board of Trade, taken in connexion with its appendages, is, in its constitution, proceed-

ings, and arrangements for the conduct of business, as nearly similar to the Board of Revenue, as the difference of their respective provinces renders practicable; so nearly similar, indeed, that a separate description of its powers and mode of operation would be superfluous, even if a full consideration of them exactly fell within the compass of the present disquisition.

It is impossible, however, to quit this subject, without pointing out to the particular attention of the reader a distinguishing feature which, as the foregoing pages shew, pervades the whole administration of British India, from its central point at home, through all its numerous radiations. This is the obligation imposed on the members of every department in the service, to keep ample minutes of all their official proceedings, and to transmit such minutes regularly to the next highest authority. So universally is this practice enforced, that there is no official servant of the Company, however low his situation, or however remote his position from the seat of the local government, whose whole conduct is not stamped on documents placed in the hands of his superiors, and accessible at pleasure to the British parliament. Nor is this facility of communication more perfect, as to space, between distant parts of the system, than as to time, between the system at one period and at another. The office of every Collector of the Revenues, of every Commercial Resident, in short, of every public functionary, contains records, not

only of his own proceedings and correspondence, but also of those of his various predecessors; and all these it is within the competence of the government to demand, and thus to transport itself back to any former æra.

The habits of exactness and punctuality in the dispatch of public business, which this practice cannot fail universally to generate, constitute only its secondary merit. Its chief excellence consists in the intimate correspondence which it establishes between the head and different members of the state. Every separate authority, each in its place and order, is thus enabled to know and to watch over all the transactions that take place within its peculiar province, to appreciate accurately the merits of those employed under it, to check the less careful, and to promote, or point out for promotion, the deserving. The effects of this supervision on those over whom it is maintained, are, that, acting in a sort of light and publicity, they are kept in awe by the fear of punishment or disgrace, and impelled to exertion by the hope of credit or advancement. Farther, the records, being preserved, form a mass of embodied experience, by consulting which, the government has the means of understanding better the nature of those over whom it is appointed, and of combining, if necessary, plans of progressive alteration with that general consistency of proceeding, in which alone the foundations of improvement can be effectually laid.

The constitution of the legislative and administrative parts of the Indo-British government has now, it is hoped, been satisfactorily laid open; the next object of enquiry is the provision made, under that government, for the distribution of public justice. In the prosecution of this enquiry, also, as on the rest of the topics treated in this chapter, the statements and delineations to be given, immediately respect the provinces of Bengal; but the judicatures established in every other part of British India, especially those which belong to the presidency of Fort St. George, are constructed on a generally similar plan.

It has already been stated that, of the judicial authorities employed under the British government, some are nominated by the King, others by the Company; and that those of the former description possess but a limited jurisdiction over the natives. Our more particular concern here, therefore, is with the courts supplied by the appointment of the Company.

These are both criminal and civil; the number and gradation of the former, throughout the provinces subject to the presidency of Fort William, being as follows: a supreme court stationed in Calcutta; six circuit courts attached to six different divisions or districts under the presidency; and about forty * inferior courts, or rather magistrates, stationed at so many different points throughout the three provinces.

* The number varies. See Harringt. Anal. Part 2. § 3.

The number and gradation of the civil judicatures are ; a supreme court stationed in Calcutta ; six provincial courts of appeal stationed at so many different cities; and about forty magistrates stationed at so many different points throughout the three provinces.

But here, as generally in the English system of justice, though the civil and the criminal courts are entirely distinct in their functions, powers, and forms, the same persons who preside as judges in the courts of the one class, preside also in the corresponding courts of the other. Thus the judges of the supreme criminal court are also the judges of the supreme civil court. The judges of circuit are also the provincial judges of appeal; and the functions, both criminal and civil, of the inferior judges or magistrates, are placed in the same hands.

To begin, therefore, at the lower end of the scale, the magistrates (as they are called in their criminal capacity) are appointed from among the civil servants of the Company. They may be considered rather as superintendants of the police of the country; and have duties not unlike those executed by the justices of the peace in England. Their own penal power is limited to cases of a trifling nature. Their chief business is, to receive informations, commit offenders for trial, and bind over prosecutors and witnesses. In all points to which their office extends, they must comply with certain modes of procedure which

are very exactly prescribed. They are allowed one or more assistants, both European and native; to the former of whom, under certain enjoined forms, they may delegate some portion of their business. The court of the magistrate is usually called a Zilla (that is, a provincial) Adawlut, or a city Adawlut.

The courts of circuit respectively consist of three judges, one register, and one or more assistants, all being civil servants of the Company, together with native law-officers, both Mahomedan and Hindoo. The judges of a court of circuit divide between them, according to certain settled rules, the points which they are to visit within the division to which the court is attached; and make their rounds at stated periods in every year. They hold also regular and frequent jail-deliveries. Their province is to try criminal offences in general, according to the Mahomedan law. But, when the sentence of a court of circuit is capital, or awards imprisonment beyond a defined period, and also in some other particular cases, it cannot take effect until it receives a confirmation from the superior criminal court stationed in Calcutta, to whom, accordingly, is referred the record of the trial, comprehending the charge, the depositions, and all the documents received in the course of it. In the discharge of this and of every other of the functions attached to the courts of circuit, precise rules and forms are laid down for them, and must be followed with a rigorous exactness.

The criminal court in Calcutta is called the Nizamut Adawlut. The name clearly bespeaks the origin of this court, which, but with a most salutary mixture of British descent, is sprung from the old Mahomedan court, already described as having been held by the Nazim. It bears, however, little likeness to its ancestor. Till a pretty late period, the Governor General and Members of the Supreme Council, presided in this court; it now consists of a chief judge, and two puisné judges, who are civil covenanted servants of the Company of long standing, but not Members of the Government. An establishment of native officers, learned in the Mahomedan law, is regularly attached to it. The principal business of the Nizamut Adawlut is that of revising trials referred from the courts of circuit, and of either confirming, rescinding, commuting, or modifying the sentence passed by those courts; but it is in no case permitted to enhance the severity of such sentence. When the sentence, as finally pronounced by the Nizamut Adawlut, amounts to a forfeiture of land or lease, it must be submitted, with all the proceedings, to the consideration of Government. In all other cases, it is final; but still, where it is capital, or where the law does not allow the court a discretion as to the degree of punishment, the court may, if they think fit, recommend the delinquent to the mercy of Government, either for a remission of punishment, or for a complete pardon.

Beyond the prerogative just mentioned, of forgiving delinquents, the Governor General possesses, properly speaking, no criminal jurisdiction. He possesses, indeed, the right,—a right not strictly judicial, but belonging to the administration of police,—of securing persons suspected of crimes against the state; for trial, however, those persons must be brought before the regular tribunals.

The course of civil justice is regulated in the same manner. The officer, who, in his criminal capacity, has the appellation of a magistrate, is also the civil judge of the district or city in which he resides. In this character, he tries all suits respecting the right to real or personal property, land rents, revenue, debts, accounts, contracts, partnerships, marriage, cast, claims to damages for injuries, and generally all suits of a civil nature, provided the cause of action have originated, the property concerned be situated, or the defendant reside, within his jurisdiction. Where the number of civil causes in a district is very great, an assistant judge is appointed, with powers altogether similar. The judge may also, at his pleasure, empower the register of his court to decide on suits for property of a certain trivial amount; but from the decisions of the register an appeal lies to his principal. To try suits where the property is of a still smaller amount, the judge may farther appoint, although not without the approbation of the superior civil court of Calcutta,

native commissioners; but from these, also, an appeal lies to the judge himself.

With the exception of a few cases not worthy of particular mention, the decisions of the civil judge are all appealable to the provincial court of appeal within the jurisdiction of which he is situated. Those courts have also, in some instances, as in charges of corruption against the inferior judge, or against any of their own ministerial officers, an original jurisdiction; but not generally, unless a suit should be expressly submitted to their determination by the Governor General in Council, or by the superior civil court in Calcutta. It has already been stated, that the provincial courts of appeal are composed of the same judges respectively, who preside in the different courts of circuit.

The ultimate court of appeal in civil matters, sits in the city of Calcutta, and is styled Sudder Dewannee Adawlut. It derives its functions, as the name may intimate, from the ancient Mahomedan officer, denominated the Dewan, in the same manner as the Nizamut Adawlut from the Nazim. This court has an original authority with respect to charges of corruption brought against the members or officers of the inferior civil courts, or against the ministerial or law-officers of the Nizamut Adawlut; but it acts principally as a court of appeal. All causes respecting property, whether personal or real, are appealable to the Sudder Dewannee Adawlut, provided the property

concerned amount to a certain value. This value, in the case of personal property, is fixed at five thousand rupees; but, with regard to real property, is to be ascertained by rules which differ according to the differing nature or tenure of the property, and which are too numerous and minute to be detailed. Where no direct appeal lies to this court, it has notwithstanding so far the power of revising the judgments of the courts below, that it may compel them to a new trial of the matter in question. On the other hand, where, in a cause tried by the court, the value of the property concerned amounts, exclusively of the costs of action, to five thousand pounds,* a farther appeal lies to the King in Council; and, in cases where no appeal lies to the King in Council, the court is yet at liberty, if the judges see good cause, to re-try the matter in issue, and to reverse or confirm its own decision.

The Governor General in Council may refer, in some cases, the determination of a particular cause to the Sudder Dewannee Adawlut, or to some inferior civil court; but, with this and a few other similar exceptions, if, indeed, they can properly be considered as constituting such, he has no jurisdiction in civil matters.

In all the courts, civil and criminal, which have been described, it will have been observed that the European judges are uniformly supported

* Estimated equal to Sicca Rupees 43,103.

by native advisers. In effect, in the inferior courts, the judge is little more than an assessor, to watch over the conduct of the trial. If he sees reason to be dissatisfied with the opinion, or *fetwa*, (as it is called) of his adviser, he refers it to a superior court, where maturer wisdom and knowledge, both in the European and in the native members of the tribunal, may rectify or establish the decision below.

But these assistants or advisers of the judge are not the only native law-officers attached to the court. It has already been related that, under the Mahomedan government, suitors pleaded their own causes; and the same practice continued under the British administration till the year 1793. It was then altered, with respect to the civil courts; where, since that time, regular advocates have been appointed. These advocates, or pleaders, as they are called, are chosen by the court of Sudder Dewannee Adawlut, out of the Mahomedan College at Calcutta, and the Hindoo College at Benares; and the rate of the fees to be allowed them has been fixed by public regulation. It cannot be denied, that the first institution of this order of men strongly militated against the feelings and prejudices of the natives; but experience has taught them its true value. Not only has it introduced method and science into the conduct of trials; but it insures suitors against negligence or misconduct on the part, either of the judge, or of his native assistant, the pleaders being often as

conversant in the regulations of government as the one, and in the commentaries and practice of native law as the other, and prepared to check the slightest illegality of proceeding.

As an ultimate security for the purity of justice, provisions have been made against the corruption of those who administer it. Native law and ministerial officers, suspected of this crime, are to be tried in the court to which they are attached, and such court may be compelled to try them by an order from the Sudder Dewannee or Nizamut Adawlut. A charge of corruption against an European judge of any court below the two principal ones, is to be communicated to the Governor General in Council, who, after due enquiry into the circumstances of the case, may refer the charge for trial to any of the established courts, or to a special commission consisting of one or more of the judges of such courts, or any other persons. But no judicature subsists in India, competent to take full cognizance of the offense, barely supposeable, indeed, of corruption in any of the judges of the two principal courts. Yet it must not therefore be conceived that the offence would be attended with impunity. Should a charge to that effect be preferred to the Government in Council, it would be in their power to send home the accused with ignominy; who afterwards might not only be dismissed from the service of the Company, but might be convicted before our regular legal tribunals on the acts of parlia-

ment which prohibit all the Company's servants in India from accepting presents, or might be brought before the peculiar Court of Commissioners instituted by the 24th Geo. III. c. 25, to try, "the crime of extortion and other misdemeanors" committed by the Company's servants in India; for that these words include the crime of corrupt judgment, if it were not of itself sufficiently plain, would be set out of doubt by the 33d Geo. III. c. 52, which enacts, that the "receiving any sum of "money, or other valuable thing, as a gift or "present, or under colour thereof," by a British subject in the service of the Company, "*shall be* "*deemed and taken to be extortion and a misde-* "*meanor at law.*" *

It is only necessary to add, on this head, that the fees of all law-officers in the Bengal courts are minutely settled by regulation, and that any officer, who receives more than his due, forfeits his employment. In this manner, suitors are preserved from the extortion of these men, which, as has been said in a former part of this chapter, was one of the curses of the Mussulman administration of justice. It may suggest some notion of the attentiveness of the Company's government to their public duties, that a mere digest of the provisions contained in the Bengal regulations and still in force, on the subject of

* § 62.

law-fees alone, would fill seven or eight folio pages.*

It certainly cannot be supposed, that the judicial forms which prevail in these courts, should yet have attained that extreme polish and accuracy which distinguish the practice of English jurisprudence. The technical niceties that abound in our administration of justice, are, to speak very tenderly of them, among the luxuries, which a very high state of civilization both introduces and renders necessary; but which, in a society less advanced, neither are required, nor perhaps could be made popular. The Company's government, however, have taken the utmost pains to enforce, in the legal proceedings of their courts, as much precision as the habits of the people would admit. Written pleadings, in the native languages have been introduced, for the purpose of bringing litigation, in every instance, to a point; and they are governed by very definite rules, borrowed from the spirit of English practice. They want, indeed, that curious and almost affected fineness, to which the pleadings in an English court are usually wrought; but, though rude in comparison of these, they may be considered as savouring of pedantic exactness, in a country, where, not half a century ago, almost the whole of the charge and

* This may be verified by turning to Colebrooke's Digest. Article *Fees*.

the defense consisted of confused oral complaints, loudly urged on one side, and as loudly retorted on the other.

The same observation might be applied to the examination of witnesses; as to which, the outlines, at least, of the English system, have been enforced in Bengal by public regulation. The indulgence, however, which, in receiving evidence, is here so properly shewn to the conscientious scruples of a particular sect, it has there been found necessary to allow to a far greater extent. It would be reckoned humiliating to a Hindoo of a certain rank and cast to be sworn before a court of justice; he is therefore required only to sign a declaration that he will speak the truth. Still greater respect is paid to the prejudices, so notoriously prevalent in Eastern countries, which affix indelible disgrace to the appearance of women of a certain rank before any person of the other sex not related to them. When the evidence of such a woman is desired, she is examined, either on oath or declaration according to her rank and cast, by a commission of three creditable females first sworn to the faithful discharge of the trust.

Notwithstanding the unquestionable magnitude of the judicial reforms which have been mentioned, it would betray, not only a very extravagant admiration of the actions which the Company have performed, but a very inadequate idea of the difficulties with which they have had to contend, were it insinuated that their task of amelioration in this

department is already closed. The frame of the Indian community was not so easy of amendment. Judicial skill and integrity, indeed, were effectually secured; but the number of causes entered for trial soon began to outswell both calculation and controul. The utmost attention of the Bengal government was directed, not only to the liquidation of the outstanding arrear, but to the cure of the evil in principle. It was with these views that they first appointed the assistant judges already mentioned. They also enlarged the powers of the native commissioners, limited the period of appeals, and, by various means, among which may be particularized the imposition of a fee on the institution of trials, somewhat increased the expense of litigation, carefully directing the burden, however, so far as was practicable, to the losing party. The result has been that the accumulation of juridical business, though not reduced, does not appear to gain ground. According to the fifth report, indeed, of the Select Committee of 1812, "in "comparison with what is commonly experienced "in Europe, the advantage, in point of dispatch, "would probably be found to be in favour of the "courts of India." *

That the delay and the expense of justice constitute an imperfection in the present system of British India, it were paradoxical to deny; but

* See the subject treated more at length in that Report; part 1.

that imperfection seems open to two or three palliative remarks. First; the accumulation of causes, though in itself a matter of regret, may yet to a certain extent be symptomatic of good. Justice, it should be remembered, is not the disease, but the remedy; the number of applicants for which will naturally be in some proportion to its general reputation for excellence. Let us suppose that, in some district harrassed by contagious disorders, and hitherto provided only with hospitals of the most wretched description, there were substituted for these an ample establishment which should be managed on the best principles. The wards of this new building might, perhaps, soon overflow; and its gates be fruitlessly besieged by multitudes who, before, would have been content to expire amidst the obscurity of cellars and hovels, rather than have sought a mockery of relief in the publicity, unwholesomeness, and oppressions of a disorderly and pestilential prison. That is, the ostensible quantity of sickness would, for a season, be augmented. To reduce infection, to eradicate disease, and, by these means, to abridge the number of the patients admitted, must be the achievement of an ulterior stage in the existence of such an institution. After the same manner, every signal improvement in the judicial administration of a country, tends, for a time, to increase the number of complainants; while, to lessen the amount of litigation, by abating the grievances in which it

originates, as it is the most splendid, so will, probably, be the latest, triumph of justice.

Secondly; there appears to be a certain quantity of imperfection, from which, in the shape, either of tediousness, or of costliness, or of both, human justice, even in its most finished state, cannot be wholly purified. Both those evils, in a measure, attach to the juridical practice of this country; and for both that practice has been severely blamed. Yet it surely needs but a slight observation of forensic warfare to perceive that there exists in the community a strong spirit of petty and frivolous litigation, and that, without the irregular and left-handed checks of expense and delay, this spirit might possibly exceed all bounds. The supply of law seems to create the demand for it. Among the Gordian difficulties sometimes proposed to the advocates of perfectibility, they might perhaps be challenged to determine in what manner we may afford a facility to the redress of wrongs, without at the same time encouraging the specific wrong of vexatious suits, or, which is the counterpart of the problem, how a tax may be laid on litigiousness, which shall not operate as a restraint on justice?

It may, farther, be observed, that, from some characteristic peculiarity, as it would seem, of temper, the natives of Hindostan, and, perhaps, in an eminent degree, those of Bengal, are prone to legal disputation. Politically peaceful, they seem

socially and domestically martial. It must be a singular race of people, among whom war is frittered down into law; among whom, those passions which, elsewhere, inhabit the desert places of society, and compel the respect of mankind by their grand ferocity, are uniformly dwarfed and domesticated into the mousing, bickering, snarling inmates of the hut and the village.

It is lastly to be remarked that, under the powerful and benignant administration of the British, the population of Bengal appears to have undergone a very considerable increase. The estimates, indeed, formed on this subject, are almost purely conjectural; but the latest would fix the inhabitants of the three provinces on the brink of thirty millions, while, forty years ago, they were computed only at ten; a difference, scarcely explicable, excepting on the supposition of a real and a large augmentation. The admitted improvement in the agriculture and general resources of the country abundantly supports the same hypothesis. But, other things being equal, litigation would grow with the growth of the people; and, in this view, can be regarded only as an index of their confirmed and extended happiness.

There is another point, in which the judicial reforms of the Company have proved less efficacious than might have been hoped. Lord Cornwallis had deprived the Zemindars or landholders of those functions of police with which that order of men were invested by the Mahomedan consti-

tution; grounding the proceeding on these two reasons, that, in principle, the junction in the same persons, of a fiscal capacity with a superintendance over the police, tended to occasion abuse, and that, in fact, the grossest abuses had sprung from the practise. The general care of the peace was, under the improved system, committed to the British *magistrates*, already described; but, under the supervision of the magistrate, native officers, styled *Darogahs*, were entrusted with the active discharge of the duty of apprehending the public and professional robbers who are well known to infest Bengal. It appears, however, that this measure proved ineffectual; for the depredations and atrocities of those ruffians rather gained than lost ground. The late Parliamentary Committee, in their fifth report, unequivocally avow their conviction, that the functions of police should, under careful provisions against abuse, have been left with the Zemindars, as possessing, from their local influence and the numbers of their armed retainers, an efficiency for the conservation of the general quiet, which cannot be conferred on persons destitute of the same natural authority, and necessarily furnished with fewer followers, because having their followers paid by the public. A late Government of Bengal appears to have, in some degree, adopted the same opinion; for, in 1807, the Zemindars were, to a certain extent, reinstated in their ancient power. But, comparatively crippled as those persons now

are, it is not surprising that a partial restoration of their functions, and after long desuetude, should have failed to replace them in that position of influence and authority from which they had fallen. Gang-robbery remained undiminished, and new measures became requisite. The Government are now making an experiment, how far the employment of public informers, many of whom are themselves abdicated robbers, aided by the vigorous co-operation of British superintendants of police, can prevail to accomplish the object desired. So far as can be collected from the experience of two years, this new regulation affords a very clear promise of success.

That the Zemindars were somewhat precipitately deprived of their authority in the administration of the police, it is not here intended to deny; especially since that position appears so plain to the Select Committee. Undoubtedly, there is a state of society, in which a certain species of feudal power naturally appertains to the landed aristocracy. In instituting a comparison, however, between the old and the new systems, it is hardly allowable to survey their respective efficiency exclusively in the particular point immediately at issue; that is, the suppression of gang-robbery. That an energetic Zemindar, acting in the fulness of his former functions, and under the combined warrant of influence, prescription, and armed power, might have effectually extinguished or expelled the most formidable gangs, there is every reason to believe. All tyranny is *exclusive;* the

tyrant endures the existence of no robber except himself. But this may not be a reason for enduring the tyrant. The question still remains, whether it was possible so to temper and modify the power of the functionaries alluded to, that they might have continued strong for the state, and yet have been rendered weak for themselves; a question on which it would, after all, be very difficult to speak definitively; but the experience of the last twenty years certainly makes it desirable that a milder change had, in the first instance, been tried.

It is now time to remind the reader, of an observation before made and repeated, that the jurisdiction of the courts of justice which have been already enumerated, extends not, or extends only partially, to the British subjects who make a part of the Indian population. The collectors of the revenue or customs, indeed, as well as the commercial or salt agents, and the mint and assay masters, are amenable to the tribunals of the Zilla judges, for acts corrupt, or done in opposition to a regulation. British subjects, too, not being either Company's servants or King's officers, may be compelled by a Zilla judge to make themselves amenable to his court as the price of their being permitted to reside within his jurisdiction. Even the Company's servants may, in civil matters, have the decision of the Zilla judge, provided they will previously execute a bond of submission to abide by it. But British subjects, charged with crimes, whether Company's servants or not, are

not triable by any of the judicial authorities that have been mentioned. The case of corruption, indeed, may at first sight seem to furnish an exception; but the truth is that, in the Indian system, a charge of corruption takes the form of a civil suit and is prosecuted in the civil courts. The criminal courts appointed by the Company have no cognizance with respect to British subjects accused of crimes, excepting so far as to commit the accused and to bring him to regular trial before the Supreme Court of Judicature established in Calcutta. Of this Supreme Court, some brief account will now be expected.

As the Sudder Dewannee and Nizamut Adawluts succeeded the ancient judicatures which held sway under the Mahomedan constitution, so the Supreme Court at Calcutta stands in the place of the old Mayor's Court established in that city at a time when the judicial superintendance of the vast provinces now composing British India still remained in Mussulman hands, and while the territorial power of the Company was as yet circumscribed within the limits of a few factories.

It consists of a chief justice and two puisné judges, all members of the profession of the law in England, and nominated to their situations in India by the King. Their salaries are such as to befit those situations, and, after a residence of seven years in the country, they may return to England on a pension. The Supreme Court has civil, criminal, equitable, ecclesiastical, and maritime

jurisdiction; in most of which capacities nothing needs be said of it in this place. Its cognizance extends to all British subjects, that is, natives, or descendants of natives, of Great Britain, in India, and to all the inhabitants of Calcutta. Natives of India also, who, though not inhabitants of Calcutta, are employed in certain specific ways by the Company or by British subjects; by the former, in a judicial capacity, or as principal collectors, or as principal commercial agents; by the latter, as agents, stewards, or partners, in any concern of revenue or merchandize; are amenable to the jurisdiction of the Supreme Court, both in criminal cases, in actions for wrongs or trespasses, and likewise in any civil suit where a written agreement is previously executed between the parties to abide by the decision. The court, however, is allowed no cognizance over matters concerning the land-revenue, or in any manner arising out of an interest in it.

With the exception, just stated, respecting revenue causes, the authority of the court over the inhabitants of Calcutta is exclusive. In suits to which the natives are parties, the judges are enjoined by act of parliament to respect the usages of the country. In matters of inheritance or succession, in contracts or dealings, the rule of decision is to be the law acknowledged by the litigant parties, whether Mahomedan or Hindoo; should only one of the parties be a Mahomedan or a Hindoo, it is to be the law acknowledged by the defendant. The rights of fathers, as established

by the native customs, are to be preserved; and acts done in consequence of the laws of cast, however repugnant to the British code, are not to be adjudged crimes.*

By act of parliament,† criminal offenses brought before the Supreme Court shall be tried by a jury, exclusively consisting of British subjects; and, agreeably to this enactment, the charter of justice‡ directs, that both the grand and the petit juries summoned by the sheriff of Calcutta shall be composed in the manner described. Such a regulation may, at first sight, seem not free from injustice. The supreme judicature professes to hold the balance between the native and the British population; and it may be thought that, at least in cases where the issue really lies between these opposite races, the natives should have their share of the jury. Since, however, it is unquestionable that, in the institution of the supreme court, one main object of the legislature was the protection of the natives against the domineering ascendancy of Europeans, we may be assured that the policy under consideration was dictated by some necessity, real or conceived. Possibly, it was thought that the destitution of moral principle notoriously prevalent among the people of India, and particularly in the article of veracity, precluded a reliance on the oaths of twelve persons promiscuously taken from

* 21 Geo. III. c. 70. † 13 Geo. III. c. 63.

‡ Dated 26th March, 1774.

that order. Even the national interests of the Hindoo or the Mussulman might, after all, seem safer in the hands of British jurors, acting under the superintendance of a British judge. These men being generally, it might with confidence be presumed, of European education, would have been accustomed, from their childhood, to associate sancity with the idea of an oath, and reverence with that of a judicial direction. If such considerations did not suggest the regulation in question, they at least go far to justify it, not indeed as the best that might be wished, but as the best which the difficulty of the case allowed.

In trials of a civil nature, this difficulty is evaded by the adoption of an expedient which, as applied to the administration of criminal justice, would have been inadmissible. No juries are employed in such trials; the judges decide both on the law and on the fact. The grand use and the peculiar praise of the trial by jury, which are, that it secures the subject against tyranny disguised under the mask of justice, clearly have their place, rather in prosecutions conducted on behalf of the state, than in suits respecting private rights. And, in the latter department, while the utility of the engine, however efficient it may prove, is less apparent, its efficiency is, in the same degree, more dubious. Of most criminal cases, ordinary men of plain sense are fully adequate to the decision; for it usually turns on a few plain facts. Should the proofs become entangled and circumstantial,

yet an enquiry directly involving the credit, the liberty, perhaps the life, of an individual present, propels the discriminating faculties while it perplexes them, and, by its very intricacy, only the more effectually enchains attention. The questions, on the other hand, raised by private litigation, in themselves less interesting, often obscure in proportion to their importance, and almost always tedious in proportion to their obscurity, demand, in many instances, a more formed habit of scientific observation than can be expected from twelve casual judges. Add to this that, if the knots of such questions are not unravelled, one or other of the litigant parties must suffer injustice; while, of the perplexities incident to criminal trials, an effectual and a legitimate solution may always be found in the acquittal of the accused. On principles, it may be presumed, like these, the judicial practise of Scotland, while, in the trial of crimes, it enjoins the use of juries, excludes them from the adjudication of civil disputes.* With regard to the instance before us, however, besides all the reasons, already mentioned, in favour of the distinction, there is this other, that the smallness of the British population in India, both would render a frequent call to serve on juries a considerable grievance, and would make it impossible

* These observations have been partly suggested by an article in the 18th number of the Edinburgh Review, on the Proposed Reform of the Court of Session in Scotland; a tract, which contains many acute and profound observations.

to obtain a constant supply of jurors unconnected with the litigant parties or the matter in dispute.

From the institution of the Supreme Court of Judicature, two peculiar advantages seem to result. First, it is an advantage to the great mass of the Indian population, that criminal charges against the Company's servants, or civil suits in which the Company or the Company's servants are concerned, should generally be brought before tribunals not appointed by the Company. Now, indeed, when the whole system of the Company, including the judicial part of it, has attained so high a point of purity and disinterestedness, this advantage may seem at an end; but, though nothing in point of fact, it is still something in point of opinion. Were the servants of the Company to be tried by courts supplied out of their own body, the decisions might be quite as just, but they might not always be equally satisfactory to the people; and, indeed, after all, it is impossible to provide too many safeguards against the abuse of justice. Secondly, it is no slight advantage to the judges appointed by the Company, that they have in their neighbourhood the example of an English court of justice, the members of which have been trained to the usages of English jurisprudence, and which immediately *symbolizes*, if the expression may be allowed, with all those enlightened judicatures, celebrated as the bulwarks of the liberties of England. Thus a standard of judicial skill and habits is conspicuously erected in the country; and the

effect of it, like that of other standards, is partly to excite and partly to guide men in the pursuit after excellence.

A Supreme Court of Judicature sits at Madras, on the model of that of Fort William. Under the presidency of Bombay, the parallel court is held by only a single judge with the title of a Recorder; but the authority and the practise of this tribunal are altogether conformable to those of the Supreme Courts. A Recorder has also been constituted in the infant settlement of Prince of Wales's Island.

The frame and system of the Indian government, in its judicial capacity, having been described, the interrogatory may next be put, what are the laws administered by the constituted judicatures; what rights or immunities the government has confirmed or granted to its Asiatic subjects; or, which is nearly the same thing, what effects the British administration has produced on the domestic situation of the people.

The full answer to this question would require a digest of the whole legal code, civil and criminal, now established in our Asiatic dominions; composed, as it is, of various acts of the British Parliament; of regulations made by the Indo-British governments, either by the command, or at least with the approbation, of the authorities in England; and of an immense body of native laws, partly Hindoo and partly Mahomedan, partly written and partly consuetudinary, which, finding

established in the country, we have sanctioned by not abrogating. Even an approximation to so prodigious an undertaking is, in this place, manifestly out of the question; but, as a very tolerable substitute for it, it may suffice to mention the leading principles on which our Indian governments have proceeded in the discharge of their legislative functions, and to state some of the particular acts in which those principles have been the most strikingly exemplified.

The principles referred to may, perhaps, be reduced to two; a scrupulous abstinence from all wanton interference with the institutions, civil or religious, of the natives; and a cautious attempt to combine with this forbearance a course of gradual melioration. The introduction, indeed, of improvements into the domestic economy of the native population was, perhaps, in the first instance, suggested to the British government principally by a sense of exigency and a desire to take advantage of all the available resources which the country presented. But higher motives succeeded; the stream became purer, as well as deeper, in its flow; and the work which an enlightened and resolute self-interest had commenced, was continued by a spirit of justice and philanthropy.

We found the natives of India linked to their ancient usages by so many iron bands of prejudice, that a timid or an indolent government would have been tempted to leave the whole frame of their domestic polity untouched and sacred, and

might have discovered very plausible excuses for its selfishness in so acting. On the other hand, those usages were generally so strange to minds inwrought with European modes of thinking, in many instances so exceptionable even in the view of the most unbiassed reason, and, in some, so prodigiously repugnant to all common sense and feeling, that, to a political speculator, they would have appeared a most tempting subject for experiment. The glory of the British, as rulers of India, consists, it is apprehended, in their due observance of a medium not easily observed; in the combined wariness and courage with which they have innovated.

The Mahomedan code still continues, as we found it, the ground-work of the criminal law of the country. In civil matters, the Mahomedans and the Hindoos substantially enjoy their respective usages. The prejudices of both orders of men are treated with indulgence; and the respect which Asiatic manners enjoin to women of rank is so scrupulously enforced, that the intrusion even of an executive officer of the government into the female apartments of a mansion subjects him to a severe punishment. The tenderness shewn by the British towards the prescriptive customs and prepossessions of the country seems to constitute a strong feature both of amiableness and wisdom.

On the other hand, great improvements have taken place; among the most important of which may be classed the arrangements for the better discharge of the functions of government, more

especially those of a judicial nature. Of these, a description has already been given; an anticipation not, perhaps, avoidable; for even theory cannot exactly define the boundary between the rights of the subject and the provisions instituted for the protection of those rights. The toleration which the Hindoos enjoy, is also a vast improvement; under the Mussulman rule, that toleration, as has before been shewn, was most imperfect. In addition to these alterations, the Mahomedan code of criminal law, though its general authority be confirmed, has received great amendments, with respect, both to the laws which it enforced, and to the punishments which it enjoined. The absurdities which disgraced it, have either been abolished, or, where they could not plead the authority of the Koran, have been set aside, under the politic profession of a recurrence to the ancient and purer practise. Its more cruel punishments, such as impaling and the amputation of limbs, have been abrogated by public regulation; and, though that of flagellation, which was extremely common under the Mussulman government, is still permitted, it is so only in a mild degree, the instrument used in inflicting it being no longer capable of the fatal consequences sometimes produced by the *corah* or Mahomedan lash. Farther, several of the unnatural cruelties authorized by the Hindoo religion, or in established practise among its followers, have been abolished. Such are, the custom of devoting the lives of infants to the waters of the Ganges; the custom, prevalent among a high class of Hin-

doos, called Rajkomars, at Benares, of destroying their female children, under the pretext that they could not provide for them suitably; the custom, not unfrequent among the Brahmins, of wounding or murdering their women and children, or of sacrificing them in a sort of funeral pile (termed a *Koor*), with the view of devoting some personal enemy to divine vengeance, or of deterring the execution of legal process; and other similar atrocities. The suppression of infanticide has since been extended to the Guzzerat country, where that crime was found to prevail much more extensively than it had done at Benares, and in the same form.*

Causes where both parties are Mussulmans, are governed by the Mahomedan law; where both are Hindoos, by the Hindoo. Should the litigant parties be of different religions, the question is decided according to the law prescribed by that of the defendant; a provision which, as a general rule, has at least the merit of necessity, the case obviously not allowing of a tolerable alternative.

We have ventured on a yet more radical innovation, casually glanced at in the course of the preceding pages. The mischiefs which the annual assessment of the territorial revenues was found to produce in the provinces of Bengal, early forced themselves on the notice of the British government; but the endeavour to

* See the Asiatic Researches, Vol. IV. Art. 22; and Moor's Hindu Infanticide.

obviate them, though sincerely made, proved for a while little successful. The principle of a quinquennial settlement was introduced; with no advantage, however, either to the happiness of the native, or to the supply of the exchequer; and the failure of this plan, though partly chargeable on some concurrent measures, may principally be ascribed to its own fundamental insufficiency. The subject, however, continued to occupy the most serious attention of the British authorities both at home and in the East; and, in the year 1793, these deliberations at length issued in the adoption of a decisive and final policy under the administration of Lord Cornwallis. This was the permanent and irrevocable settlement of the territorial revenue at a certain valution, moderately fixed, of the property assessed. If the rent thus agreed upon should, in any case, not be duly paid, the government was authorized to attach and sell, on its own account, so much of the land of the defaulter as should be equivalent to the deficiency. While the British governor instituted this measure as a boon to the landholder, he also adopted a number of well considered regulations, calculated not only to protect, but to confirm and enlarge, the rights and the security of the ryot or immediate occupant of the soil. The mighty mass of papers which the agitation of this important proceeding was the occasion of introducing among the records of the Company, attests the ability and anxiety with which it was discussed, and proves with what deliberation the government proceeded in embracing

a plan of administration, which certainly wears, at first view, an appearance of singular boldness.

Strong objections were made to the project of an invariable settlement, by some servants of the Company, eminent for talents, research, and familiar acquaintance with the financial and economical systems which had prevailed under the native governments of Hindostan. It was urged that, according to the ancient Hindoo constitution, the ryot or occupant had been considered as the real proprietor of the soil which he cultivated; that the proprietary character of this class of persons had in effect been allowed by the Mogul system, although with that reserved and imperfect recognition of the rights growing out of it, which might be expected from an arbitrary government; that, meanwhile, the tenure of the Zemindar, or landholder, under that system, was altogether official, being dependent on the performance of certain stipulated services; and, consequently, that the proposed plan, by conferring the property of the soil on the Zemindar, committed a direct invasion on the immemorial privileges of the ryot.

The premises from which this inference was drawn, were denied by other persons equally distinguished in the service of the Company, who contended that the possession of the Zemindar had always been deemed hereditary and complete, although it was unquestionably subject to certain conditions greatly affecting its value and stability. Whether to this species of possession or interest,

the term *property* could with correctness be applied, was a consideration purely verbal; but the fact of its existence, it was maintained, could not be successfully disputed.

The controversy still remains in a state of discussion, and certainly, with respect at least to the provinces of Bengal, does not seem easy of a decisive adjudication; for the recorded practise of the Mogul government in those provinces, furnishes precedents and arguments more or less favourable to each of the contending opinions. Possibly, indeed, this very circumstance may suggest the expediency of a compromise; and, if any conclusion might here be hazarded on a topic which has exercised and divided all the financial and disquisitory ability of British India, it would be one of a middle nature. The Zemindar was originally, as it may be conjectured, purely a fiscal minister, interposed between the ryot who raised the revenue and the government who received it; but time and prescription appear to have invested him with privileges and functions, which, if less than proprietary, were yet clearly more than official.

The question, perhaps, after all, belongs rather to the antiquary than to the practical statesman; and, at least, does not constitute a necessary element in an enquiry respecting the merits of the perpetual settlement. Whether or not the Zemindar had been considered, or had been declared, a landed proprietor, by the Mussulman government, it assuredly was within the compe-

tence of the British government to consider or to declare him such; this only condition being supposed, that the ascription to him of the proprietary character should not, in practise, involve consequences injurious to the rights of any third class of persons. But, whatever rights the ryot enjoyed under the native government were, as has already been noticed, not secured merely, but amplified, by the administration of Lord Cornwallis; and, in confirmance of the positive provisions introduced for that end, it was plain that the perpetual settlement, by strengthening the interest of the Zemindar in the prosperity of his estate, and by removing from him both the pressure and the example of the exactions to which he had been subject, tended to inspire him with an analagous respect and consideration for the subordinate tenants.

The plan was, in another view, excepted against; as being the offspring of a romantic and unwise generosity. The rate of the assessment having been very moderately assumed, the government do not possess the option of a future resort to the principal resources of their dominions, whatever augmentation those resources may receive under the cherishing shelter of British laws and policy. It is also evident that the rate of the assessment, being in money, may vary in value; and though, on the supposition that the value of money rises, we have the power of relieving the proprietor, by taking less than our bargain, we are totally pre-

cluded from relieving ourselves in the more probable event of its falling. Besides, at the time when this arrangement was carried into effect, the government of Bengal, notwithstanding the experience of many years, much wanted information respecting the value of the lands in various parts of the province, and the nature of the tenures by which they were held, and were of course so far disqualified from forming an equal rule of impost. For these reasons, it was strongly recommended by some distinguished members of the government, that the experiment of a *decennial* settlement should precede the final and irrevocable act proposed by Lord Cornwallis. These objections, however, were after much discussion overruled, first by Lord Cornwallis, and then by the Court of Directors and the Board of Controul. They were overruled on the ground, that the measure would bind up, not the power of the government to tax property, but only their power to tax property of a particular kind; that whatever inequalities might result from it, not only might be corrected by the proper adjustment of other financial burdens, but would be lost in the immense advantages which it was calculated to produce, which, farther, no other measure could produce, and which were too great to be postponed. The public adoption of one simple rule for realizing the rent of land, of a rule carrying in its very face the feature of *invariableness*, appeared the only conceivable means of eradicating that feeling of insecurity which the growth of more than a century had deeply infixed

in the minds of the landed interest of India, and which, striking its noxious roots in every direction, had in a great degree poisoned the happiness of civil society.

A resolute casuist, indeed, might here frame many curious questions respecting the competency of a government to bind its successors by irrevocable acts, or even respecting the meaning of the term. From questions of this nature, no form of human polity can be exempt; among others, the *fundamental principles* of the British constitution, and the enactments which professedly regulate, for all future time, the succession to the British throne, have not escaped the shallow ridicule of political sceptics. The consideration of such difficulties, though they are perhaps less hard to unravel than at first sight they appear, may safely be adjourned till the occurrence of those rare emergencies which alone can raise them in practise. Meanwhile, the theoretical absurdities, whatever they may be, of the British constitution, do not transpire in any sensible effect on the rights and happiness of the subject; and the landholders and ryots of Bengal derive comfort from the conviction that the British faith is pledged to the settlement of Lord Cornwallis, under every change of circumstances within the ordinary view of prospective policy.

The measure was carried into execution in the same spirit of regard for the subject in which it originated. It was discovered that, at the period of the assessment, some proprietors had, by very

unfair means, procured their lands to be grossly underrated. The Bengal Government, on being apprized of this fact, which in strictness might have been considered as vitiating the agreement, did not hesitate a moment in refusing to avail themselves of it, but submitted to the loss rather than expose themselves to the charge of having violated a declared principle. This conduct met with the highest approbation from the Court of Directors.

In noticing the result of these proceedings, it is necessary to bear in mind that all that was declared fixed and irrevocable by the settlement, was the quantum of the annual demands of the state. The concomitant regulations, whether framed for the purpose of enforcing a compliance with those demands by the Zemindar, or directed to the security of the Ryot, were in no other sense fixed, than as every thing is fixed which is matter of positive law. To have included these, indeed, within the irrevocable pledge, would have been very unwisely to anticipate the resources of future experience. In effect, the sequel evinced that the regulations in question, although planned with equal caution and benevolence, were by no means free from defects. The revenues, in several instances, fell into arrear, and the lands of the defaulters were attached and brought to sale. In what degree the indolence and improvidence of the Zemindars concerned might contribute, as in a great degree they did undoubtedly contribute, to

these failures, it is not easy to ascertain; but the regulations bore, and, it would seem, not wholly without justice, a portion of the blame. Lord Cornwallis had humanely abolished the use of imprisonment as the means of compelling payment from the Zemindar:* but the immediate forfeiture of land was rigidly enforced; while the Zemindar was allowed no mode of recovering his own dues from the Ryot, excepting by the deliberate process of a civil suit. The Zemindars somewhat reasonably complained of this arrangement, not only as dealing out one measure of justice to them, and another to the Ryots, but as absolutely placing them at the mercy of those persons. The Zemindar could give to the state only what he had received from the Ryot; yet the Ryot might withhold from him during the interval of a tedious litigation, what he in his turn could withhold from the state only at the peril of a summary execution. To the evils arising from this situation of things, a remedy was applied by the Bengal government, in the year 1799. The Zemindars were permitted, in certain cases, and under certain prescribed forms, to compel payment from their tenants by arrest; and, at the same time, a power was conferred on the collectors, of imprisoning, for a limited time, the Zemindars, by their own authority. This partial recurrence to the practise of the Mahomedan

* This was not done, however, till 1794, the year after the conclusion of the settlement.

system, may appear somewhat harsh; but it was dictated by a clear necessity, and adopted with great reluctance.

It is not immaterial to observe, what sufficiently appears from the preceding statement, that the measure of the perpetual settlement, so far as it was defective, erred, not, as had been predicted, to the injury, but in favour, of the Ryot. The attempt to create a fair balance between the Ryot and the Zemindar, issued in the preponderance of that party, to whose rights it was originally denounced as fatal. The scales are now, however, better adjusted; the short experience which has succeeded the last modification of the system, justifies the most sanguine auguries with regard to its ultimate success; and whatever it may yet want of full popularity and complete efficiency, time, the great ally of legislation, will in all probability supply.

The foregoing description applies, it must always be recollected, to the ancient Indo-British possessions of Bengal, Behar, and Orissa. Into the territories obtained by cession from the Nabob of Oude, or by conquest from the Maharattas, both of which acquisitions are placed under the Presidency of Fort William, the system of a permanent settlement has not been introduced. Neither has it been introduced into the extensive tracts of country now comprised under the government of Fort Saint George; with the exception of the Northern Circars, ceded to the Company by the Nizam in

1766; of the Jaghire, or territory immediately embracing Madras, obtained, at a still earlier period, from the Nabob of the Carnatic; and of a very few districts, acquired at a date comparatively recent. The introduction of the system, in fact, to be advantageous, must be founded in a familiar acquaintance, both with the resources and the subsisting economy of a couutry on the one hand, and, on the other, with the customs and prejudices of the inhabitants. It can, therefore, scarcely ever take place advantageously in a new possession. Independently of this, which is so to speak, only a *dilatory* objection to the measure, it may possibly be open, in the instance under consideration, to more radical objections. The relinquishment, once for all, of a discretional controul over the territorial revenues of a country, is surely a mighty sacrifice on the part of the state. In Bengal, this sacrifice was not more nobly than necessarily made. The financial policy of the British government, partly from unavoidable causes, had for years been unstable; and the natives, effectually disturbed by a long course of precarious security and irregular exaction, required some grand sedative for their fears and anxieties. But, where the sacrifice is not plainly necessary, it cannot be noble. The supreme power ought not, from any consideration less than imperious, to alienate the privileges with which it is invested in trust for its subjects. Now the territories newly acquired by the British in Hindostan, are not in the same predicament as that in which Lord Cornwallis

found Bengal. *They* have not been harrassed by any vicissitudes of system on the part of that power; several of them probably know it solely by the fame of its victories abroad and its virtues at home. To confer on these, therefore, the boon of a perpetual settlement, might perhaps only be a munificent waste of the capital of that bounty, which they will more beneficially experience in the constant flow of a running stream.

There are other points, besides the principle of perpetuity, in which the financial system adopted in Bengal, has been deemed inapplicable to many parts of British India. In Bengal, the ancient Hindoo constitution had nearly become extinct under the weight of the Mussulman ascendancy. On the coast, strong and undisguised traces of that constitution remain; and it has been, by some judicious observers, pronounced a fitter stock to bear the graft of a new financial economy than the Zemindarry system of the Moguls. The question is still under discussion, and to expatiate on it in this place would be impertinent; but those who desire an insight into its merits, will be considerably gratified by a perusal of the fifth Report of the Select Committee on East-India Affairs, appointed by the last House of Commons. They will from the same source learn, what an amount of labour and solicitude the Company and their governments abroad have expended on the consideration and adjustment of this momentous subject.

While these commendations are bestowed on the

government of the Company, it may not be irrelevant to notice in this place some censures recently passed on that government. For many years, the objections urged against the Company on political grounds, hinged on their supposed injustice or apathy towards the rights of their native subjects. The accusation seems, of late, to have somewhat shifted its foundation; and, instead of being reproached with selfish neglect or wanton oppression, they have to defend themselves against the charge of a rash, impertinent, and pragmatical benevolence. They are pronounced to have hastily and unhappily innovated on the institutions of the Hindoos, and this amidst unceasing professions of respect for those institutions. They are declared to have rivetted on the Hindos those unwise violations of their usages and prejudices which had been introduced by their Mahomedan conquerors; or to have scared them by the importation of laws and modes plucked living from the political systems of Europe, and having no congeniality with the habits of Hindostan.

These allegations have been preferred against the Company by a very sensible and valuable writer, Lieutenant Colonel Wilks, in the first volume, the only one hitherto published, of his Historical Sketches of the South of India. The observations of Colonel Wilks are, indeed, declaredly confined to the sphere of the countries included in the title of his work, which countries are subject to the presidency of Madras. But the principle, and often even the detail, of his strictures, applies

with almost equal force to the measures adopted by the Company in the provinces of Bengal.

It is one question, and a question of fact, whether, as is contended by this writer, the system of government established in British India has, in some important respects, imprudently violated the Hindoo customs. It is a perfectly distinct question, and one of principle, whether, as he also appears to maintain, the British government was absolutely precluded from every innovation, however slight, on those customs; precluded, either by the justice of the case, or by their own plighted honor.

Colonel Wilks affirms, speaking of the Hindoos, that "all their prejudices, all their opinions, and "all their customs, from the most trifling to the "most important, are absolutely incorporated with "their religion, and ought all to be held sacred." "It is not the question," the author farther observes, "it never can be a question, whether the "English or the Hindoo code of religion and ju-"risprudence, be entitled to the preference: but "whether the Hindoo law and religion, for they "are one and the same, are, or are not, to be "maintained, or whether we are at liberty to "invade both. If we profess to govern the Hin-"doos by their own laws, let us not falsify that "profession by tearing them up by the roots on "the pretence of pruning and amending them. "They are no longer Hindoo if they are subject "to innovation. Before quitting this branch of

"the subject, it may be useful (for the sake of "illustration) to examine the reasonableness of "interfering with the most exceptionable of all "their institutions. It has been thought an abo-"mination not to be tolerated, that a widow should "immolate herself on the funeral pile of her "deceased husband. But what judgment should "we pronounce on the Hindoo, who (if any of "our institutions admitted the parallel) should "*forcibly* pretend to stand between a Christian "and the hope of eternal salvation? And shall "we not hold him to be a driveller in politics and "morals, a fanatic in religion, and a pretender in "humanity, who would *forcibly* wrest this hope "from the Hindoo widow?" *

These appear to be the chief passages in which the author expounds the principles on which he proceeds; and it is greatly to be regretted that, neither here nor elsewhere, does he expound them with that perspicuity which, from a writer so intelligent, and on a subject so important, might naturally have been expected. In the second of the two extracts made, it would seem to be insinuated that an authoritative interposition between the Hindoo widow and the pyre of her husband, necessarily violates her hopes of future bliss. The British government, in point of fact, never interposes, where the sacrifice seems to be spontaneous; although it would, undoubtedly, be a very bold

* Wilks's South of India; App. No. 3.

postulate to assume, that the consent of the widow, in such instances, always arises, rather from a religious contempt of death, than from a human horror of the shame and destitution which await her survival. Colonel Wilks, however, has made no provision for these cases, in which the guiding motive of the sufferer is, not the hope of eternal happiness, but the fear of temporal misery. He has not provided for a still more important, although, probably, more rare, class of cases;—those, in which the unhappy object, having perhaps once committed herself by a trembling consent, is afterwards dragged to the flames by the officiating Brahmins, possibly by her own children and relations, in spite of an agony of resistance. Scenes, in which this tragedy has been realized, are but too well authenticated; and how far are such scenes included within the prohibition of interference? Must we hold *him* also "to be a driveller in politics and morals, a "fanatic in religion, and a pretender in humanity," who should forcibly obtrude himself, not between a devotee and her dreams, but between a victim and her murderers?

A somewhat similar enquiry arises with respect to the cruel Hindoo practises of infanticide, *erecting a Koor*, and others, which, as has already been stated, the British government has ventured to abolish, notwithstanding they had every sanctity which they could derive from usage and prejudice. Would Colonel Wilks comprehend

within his prescriptive privilege of toleration these venerable barbarities? It is difficult to believe the affirmative. It is equally difficult to find the narrowest loop-hole for an exception in the doctrine which enjoins a scrupulous tenderness for *all* the prejudices, *all* the opinions, and *all* the customs, of the Hindoos, " from the most trivial to the " most important."

Without pressing these strong cases as arguments *ex absurdo* against the doctrine in question, it may suffice to remark how ill that doctrine can be reconciled with the implied engagement under which every government is placed, of improving, by every available opportunity, the moral and political situation of its subjects. The ruler is bound to this task by an obligation, sacred, original, and indefeasible; one, which pledges and professions may embody or expound, but which they can neither create nor extinguish; for it exists and reigns, independently of their help, and in spite of their hindrance. It matters not that the masters of mankind have, in general, been but too large in the construction, and too officious in the discharge, of this obligation; that they have trifled with the happiness of their subjects while affecting to consult it; that they have altered with a rash or a rough hand, and have then, by an absurd illusion of selfishness, mistaken their own complacency for the pleased contentedness of those whom they governed. Such examples have, indeed, a sad importance, for they illustrate the

difficulty of governing well; but that difficulty would be none, if governors might therefore abandon some of their highest and most glorious functions, and sink into the mere slaves of circumstance and opinion.

A government may, indeed, pledge its faith for the perpetuity of a particular arrangement, where the subject matter is so simple and specific that the consequences involved in the pledge may be clearly foreseen, and where it is entirely on the notion of its perpetuity that the efficacy of the arrangement depends. The government of Bengal acted thus, in the irrevocable settlement of the revenues. The singular circumstance is, however, that Colonel Wilks, in treating of that measure, ridicules "the political nullity" of an irrevocable law; while, at the same time, he perceives no absurdity in declaring irrevocable all the innumerable laws and customs of Hindoo superstition; while, apparently, he would even extend the benefit of this declaration to laws and customs already become dormant, and would have the ready seal of perpetuity successively affixed to every fragment of a right or privilege, which the hand of the archeologist may draw forth from the mouldy depths of obsolete antiquity and extinguished prescription.

After all, the pledges which have been held forth to the Hindoos of a respect for their usages and prejudices, could only be designed, and could only be

understood, as insuring those usages and prejudices against wanton invasion. Our pledges are not falsified by a cautious attempt to amend the civil condition of our subjects. We are guilty of no deception, when we strive to meliorate institutions which we profess not to insult. We commit no practical contradiction, when we endeavour to build improvement on the basis of toleration.

But, although these principles do not seem disputable, and although there can be no doubt that on these the Company has acted, it does not follow that the practical application of them has always been happy. That the medium between toleration and reform has, in every instance, been correctly preserved, is certainly not probable; and it is at least possible that the aberration may sometimes have been considerable. The ability of Colonel Wilks, and his intimate acquaintance with the Hindoo character and habits, entitle his suggestions on this head to the most profound attention and respect. Let it not, however, be thought inconsistent with such respect to say that those suggestions are not exempt from unequivocal symptoms of prejudice.

" To apply," remarks the author, " the *criminal* " *law of Arabia*, the most defective on earth, and " the least capable of correction, to the Hindoo " subjects of Great Britain under the government " of Fort St. George, is just not quite so absurd " as to import the criminal law of Japan." A representation, surely more invidious than accu-

rate. To an uninformed reader, it would not immediately occur that what is here disparagingly termed the criminal law of Arabia was the criminal law of the Moguls; and that, instead of having been a matter of British importation into the plains of Coromandel, it had actually acquired on that coast every title of occupancy before Great Britain could possibly exercise an option on the subject. The author himself afterwards states that the country in question was first visited by the scourge of Mahomedan conquest and Mahomedan law in the year 1646; that is, a century and a half before what he designates as the *application* of the criminal law of Arabia to the Hindoos under the government of Fort St. George.

The writer reprobates the introduction among the Hindoos, of English justice and police, with all the cumbrous machinery of magistrates, circuits, and jail-deliveries, as an unnecessary waste of technical skill, labour, and expense. The end, he intimates, might better have been answered, by an adherence to the rules of proceeding prescribed in the Hindoo code, "with all its "numerous imperfections on its head." Among the Hindoos, though faithful and respectable in the ordinary intercourse of life, judicial perjury is, he tells us, dreadfully prevalent. For this evil, no better remedy, he thinks, can be found, than the instrumentality of the *panchaiet* or *Indian jury*, well known to the common law of the South of India. An Indian juror will, according to

Colonel Wilks, be incomparably better qualified to extract the truth from an Indian witness, than the European judge, however highly gifted with natural discernment, or acuminated by professional experience.

It must always be recollected that the main object is to have justice pure;—cheap, if possible,—but, at all events, pure. The great question is, not whether, in the complex engine of Indo British government, experience may not have discovered some waste, or even misapplication, of power; but whether, on the whole, the engine does the thing required. Those who remember that magistrates, courts, and jail-deliveries, belong, not to the apparatus, but to the essence, of justice, will be slow of persuasion that the alleged insufficiency of the system amounts to much more than that difference, by which every conceivable system must be separated from theoretical perfection, by which the best actual system is separated even from possible perfection. The proposed succedaneum of an Indian jury seems partly to involve the old Indian dilemma of the elephant and the tortoise. The juridical depravity of Hindostan, the author has strongly stated, and, after all, has understated. "The crime of perjury (observes a "judge of the Patna court of circuit in 1798) is "thought so lightly of by the natives of this country, that the commission of it can hardly be "said to stigmatize the character." The language of another judge of the same court in 1803 is similar. "Men of the first rank in so-

" ciety feel no compunction, at mutually ac-
" cusing each other of the most heinous offences,
" and supporting the prosecution with the most
" barefaced perjuries; nor does the detection of
" their falsehood create a blush." Other testimonies of equal conclusiveness might easily be added. Amidst this general laxity of principle, our reliance is directed to the oath of the Panchaiet or Indian jury. Now the juror may undertake for the witness, but who shall undertake for the juror? It is difficult to believe that the person who has literally no conscience in the witness-box, should always find one when he steps over the barrier into that of the jury.

These considerations are here thrown out with diffidence, and with an unfeigned sense of the regard due to the intelligence and local information of Colonel Wilks. But, on the other hand, it is not to be forgotten that very uncommon intelligence and very extensive local information have already been most conscientiously devoted to the judicial department of British India, and have issued in those improvements which this author is pleased so greatly to depreciate. Whether the system adopted be the best possible, whether it has gained complete success, or even has deserved it, may perhaps be matters of doubt. Whether the ancient Hindoo system would have served the purpose equally well, may also be a matter of doubt, and, in truth, seems one of very great doubt. There can be no doubt,—surely, none in the mind even of Colonel

Wilks,—that the British administration, both legislative and judicial, must by the natives be considered as an acquisition of immense value, when compared with the legalized misrule of their late masters, the Mahomedans.

With this topic, the writer of the Historical Sketches has chosen to blend another which does not seem peculiarly relevant. He absolves the authors of the European reforms introduced into British-India from any imputation of a design of *proselytism;* apparently meaning *religious* proselytism; and then proceeds to remark, not very intelligibly, that, if such a design be entertained *by other persons,* "it is a most unmanly, ungene-"rous, and unchristian deception, to veil this "object under the pretext of respecting the civil "and religious customs and prejudices of the "people." The question respecting the introduction of Christianity into Hindostan, does not, it must be owned, fall precisely within the subject of the present work; but its high importance will justify a few words upon it, even at the expense of what may seem a digression.

The idea of *coercive* proselytism, however mild the compulsory means employed, merits all the epithets which the language of reprobation can attach to it; and even that of proselytism by the simple exertion of state-influence, seems, in Hindostan, to say the best of it, highly objectionable. But surely the idea of proselytism by the bare effect of conviction,—by the effect of an unforced, un-

bribed, and unbiassed acquiescence in truth and reason,—however visionary it may appear to some persons, can only by a very singular rule of arrangement be classed with unmanly, ungenerous, and unchristian deception. To such a pitch of refinement would this valuable author have us carry our reverence for the superstitions of Hindooism! Their sanctity seems to be like what is said of the priestly character, indelible. Their sovereignty is so essential and inherent, that they not only cannot be deposed, but cannot even voluntarily abdicate.

A few years ago, this subject was debated with great heat; but, at present, will surely receive a calm attention. The accomplished Sir William Jones, who was equally distinguished for his acuteness, his philanthropy, and his candour, has given his sanction to attempts, cautiously and fairly conducted, for the introduction of the Christian religion among the natives of Hindostan. If, indeed, as Colonel Wilks justly affirms, " it never can be " a question, whether the English or the Hindoo " code of religion be entitled to the preference," the wish must naturally suggest itself to every humane and unprejudiced mind, that the better system should have every chance of the wider diffusion. Only, the distinction is ever to be carefully observed, between making it a matter of *option* and a matter of *authority;* a distinction which, even as applied to this particular case, the experience of many years has now shewn that the natives are per-

fectly able to comprehend. The uncompelled and tranquil circulation of the Christian scriptures, (the method peculiarly recommended by Sir William Jones) appears so free from all possibility of exception, that it ought to receive the fullest and most willing toleration from the Indo-British presidencies. Otherwise, they would indeed "forcibly stand between" the Hindoo population and the highest and deepest hopes that can be infused into the human heart. And, surely, no government calling itself Christian can, without incurring a fearful responsibility, refuse to a Christian missionary, so long as he shall demean himself with strict loyalty, steady discretion, and unimpeachable virtue, the opportunity of exerting his unbought and honorable labour among the natives of Hindostan.

In bringing to a close our analysis of the British government of Hindostan, there is another point, not yet touched, on which if nothing should be said, the reader will scarcely feel himself in full possession of the subject. The various classes of offices, commercial, political, financial, and judicial, in the service of the Company, have been noticed, but nothing has been distinctly said on the nature of the materials out of which these offices are filled; or of the general rules of arrangement and succession, according to which the great body of the civil servants is supplied and disposed.

This body, it is well known, is sustained by

annual recruits of young men appointed by the Court of Directors, on the recommendations of individual members of the court, under the appellation of *writers*. The persons so appointed are not selected from any particular class, possessing any sort of political or corporate influence; but, being chosen by a number of men, variously and widely connected, in fact come from all parts and various classes in the three kingdoms. These youths generally leave this country for India at the age of about eighteen; but within these few years, the Directors have instituted a college in England, at which they receive, previously to their departure, an education suitable to the service for which they are destined. On their arrival in India, those of them who are intended for the service in Bengal, spend some time at the College of Fort William, where they confirm and extend the acquisitions made in England. The civil servants, in India, are variously known by the titles of writers, factors, junior merchants, or senior merchants; titles, on which it is only necessaay to observe, that they are the mere relics of arrangements and distinctions which prevailed while the Company were simply a commercial body; and that their only surviving use is to designate, not the functions of the persons to whom they are attached, but merely their relative ranks.

In the manner of filling the various offices in India, two principles are blended together; the principle of succession, and that of selection.

The principle of succession, that is, of promotion according to standing or seniority in the service, is, in a limited degree, formally established by the statute of the 33d Geo. III. c. 52, which enacts* that any vacancy happening in any of the offices or employments in the civil line of the Company's service, shall be supplied from among the civil servants belonging to the presidency in which such vacancy shall have occurred, subject to the following restrictions; that no office or employment, of which the entire emoluments shall exceed five hundred pounds *per annum*, shall be conferred on any servant who shall not have actually resided in India as a covenanted servant of the Company for three years antecedent; nor, if the annual emoluments shall exceed fifteen hundred pounds, on a servant who has not resided in like manner for six years; nor, if they exceed three thousand pounds, on one who has not resided nine years; nor, if they exceed four thousand pounds, on one who has not resided twelve. In a following clause, the act extends this prohibition to the holding by the same person of two or more offices, the salaries of which shall jointly exceed the sums laid down in the above scale.

It would be perfectly preposterous to enlarge on the mixed absurdity and cruelty of any system which should commit, directly or indirectly, the persons and property of the natives of India to

* § 57.

the authority of men not qualified for such a trust by previous instruction and experience. It were equally idle to set about proving that, for the acquisition of such experience, a local residence is the best method which can be adopted; and that, where a numerous and promiscuously chosen body, like that of the servants of the Company, are to be the learners, this is not only in a pre-eminent degree the best method that can be adopted, but the sole method, the adoption of which can be certainly enforced. The only question is, whether truths so palpable might not have been left to exert their natural influence on the minds of the Company or their governors; whether, if they had been entrusted with an entire freedom of choice, it might not have been expected that a sense of interest would always induce them to choose well; whether, therefore, it was wise to hamper them by a general rule which, as it admits of no exceptions, may, in some particular instances, produce mischief, by obstructing the rapid rise of premature qualifications.

In examining this question, it is to be recollected that, wherever free choice is allowed, there some danger is incurred lest interest and not merit should be the title to preference. How far this danger would have been likely to result in the case supposed, it is not necessary to settle with accuracy. Let it only be conceded that it would, in some degree, have attended every particular instance in which the Company or their local

delegates should have exerted the option granted to them by the supposition; and, considering the vast number of offices comprised within the Indian service, it certainly could not have been very trifling in the aggregate. It then becomes natural to ask, for what purpose this risk is to be encountered; and the reason given is, that room may be afforded for the quick promotion of early merit. The force of such a consideration as this, must vary with the case to which it is applied. The regulation which confers on a public service of twelve years, pretensions to a place of four thousand pounds a year, no contemptible salary surely, even in the expensive country of India, cannot be accused of binding down the servants of the Company to a very tardy progress; and it does seem extremely unlikely that instances should ever occur to justify any considerable acceleration of this pace. In the arts and sciences, properly so called, the strides of genius are sometimes wonderful; but the science of men and the art of managing them, which it is the chief duty of the Indian servants to acquire, are of a somewhat different nature. For the attainment of a proficiency in these pursuits, vastness and rapidity of intellect are less necessary than patient observation and long habit. Here the mind must be, so to speak, passive, and must resign itself to such influences as time, chance, or occasion, may convey from objects which will not lend themselves, at command, to its experiments. The knowledge here

to be gained, is the result of a series of impressions rather on the feelings than on the senses or the memory. It is a species of knowledge, therefore, not very capable of transmission from man to man, but which each must gain for himself. It is one, also, which to acquire to any purpose, will cost all nearly the same time; for, though the feelings of men differ in strength as widely, perhaps, as their memories or their senses, the strongest feelings are not necessarily the most faithful. On the whole, there is no one study, in which what are commonly denominated *bright parts* are of so little value, or indeed, are so little to be trusted, as in that of human nature; and if this, as a general observation, be at all just, it assuredly loses none of its weight, when the student is to be an European, and the object of his attention the people of Hindostan. Hasty judgments respecting that singular race of men, whatever be the endowments of the mind that forms them, must almost certainly be wrong; and wrong judgments respecting such a people, on the part of those who preside over their destinies, cannot but prove pernicious. No rational expectation can be entertained that a youth who reaches India at the usual age should be adequate to fill any situation of considerable responsibility greatly under the age of thirty; and this period would about accord with the utmost limits of the probationary term enjoined by the statute. A much earlier fitness is indeed conceivable. A phenomenon of juvenile experience

may possibly occur; but the event is so little within probability, that the chance of it may safely be neglected in all general calculations, and, if it cannot be had but at a great expense, should be sacrificed at once.

In enacting that an assigned term of local service should be the necessary qualification for an office of a certain salary, the legislature evidently assumed that the comparative salaries of different offices afford a fair measure of their comparative importance. In effect, in the same service, and where but one scale of pay is adopted, there can be no better criterion of the importance of an employment than the wages allotted to it. The very reason why one office is more highly remunerated than another is, because it is thought more difficult to fill, or, in other words, more important to the commonwealth. To mention the exceptions with which this rule ought to be guarded, would be in this place impertinent; it will still remain true that salary is the best practical test of importance, and it is certainly not very conceivable what other test the legislature could have adopted.

But to establish the principle of succession by seniority in all its rigour, would have been highly improper. In the work of acquiring experience, though miracles of early maturity are not to be expected, yet, ultimately, one mind may considerably surpass another of less discernment or less patience. Besides, to contend that experience, though an indispensable, is the only qualification

for the discharge of public trusts, or that, in the conduct of human affairs, eminent talents are of little avail, would be to maintain doctrines of the very last absurdity. In the collection of that mass of materials which constitute an acquaintance with mankind, genius may be nearly on a level with attentive mediocrity; these materials, the current of time, which will obey no man, deposits only by little and little; but, in the use which is made of the resources thus acquired, the advantages of genius are almost unbounded. These advantages, however, the system of strict succession sacrifices. And, as this system does not pay the due respect to genius, so neither does it consult *peculiarities* of genius; those individualities of mental character, which have the effect of fitting particular men for some situations, almost in the same degree that they unfit them for others. In short, it neither distinguishes between the different powers of men, nor between equal powers differently characterized. The immediate loss of much useful talent is one lamentable consequence attending this want of discrimination; and another equally to be deprecated is the consequent discouragement to the cultivation of talent; for men will not be apt to exert themselves in a contest, where the prize is given, not to him who acquits himself the best, but to him who was earliest on the field.

These evils can be averted only by the allowance of a free choice; and, though a free choice be in danger of degenerating into one of interest,

yet, in a degree, this hazard is preferable to the certainty of evils so pernicious. Besides, whether or not the choice is likely to become one of interest, depends partly on the other arrangements introduced into the system, which may be such as to keep alive throughout it a general spirit and zeal that shall either make the electors disinterested or overawe them if they are otherwise. But it is possible that to effect this object may be very practicable where discretion is limited, and where consequently the temptation to abuse discretion is limited also, and yet may not be practicable where both are without any boundaries whatever.

On these grounds, the legislature, while introducing into the Indian service the principle of rising by succession, has concurrently let in the principle of an elective rise; since, for every vacant office, all those who have reached a certain proportionate standing in the service may be candidates. Thus, very wisely, it is presumed, and very agreeably to the nature of things, local experience is made an indispensable *condition* of promotion; but, that condition once satisfied, the rest is left to the selecting voice of the Company or their governors, and to the emulation of the servants. From the moment of his arrival in India, the young writer has every stimulus to honorable exertion. Since the institution of the East-India College at Hertford, indeed, which seems to have supplied whatever the system of the service still wanted, the stimulatives may be said

to operate even before his departure from his mother-country. If, in this seminary, he distinguishes himself by the union of proficiency in learning with correctness of conduct, he is preceded on his voyage to the East by his character, and recognized on his landing. Some most happy instances have already occurred of those who have thus, if the expression may be used, *shed a light* before them, previously to their personal appearance on the scene of their public life. In India, the first exertions of the writer may be occupied in gaining or in confirming a knowledge of the dialects of the country, and in familiarizing himself with the forms of office and the principles of the administration. Next, placed under a judge, a collector, a commercial agent, or a political resident, he has an opportunity of benefiting by the knowledge and experience of his superior; and, in this situation, he becomes personally acquainted with the natives, and gradually acquires a perfect understanding of their feelings, habits, customs and prejudices. During the course, too, of this apprenticeship, he is probably at times entrusted with a limited responsibility, which excites his talents, and forms him for independent action. Meanwhile, considerable prizes are before him; he may attain a principal station in one of the lines already mentioned; if here also he acquits himself creditably, he may, in time, fill an important place in the board of trade or that of revenue, or in one of the principal courts of judicature. Still higher

prospects succeed; a situation in the supreme council of the government; perhaps, that of governor to one of the subordinate presidencies. Facts of no old date prove that even at this point his views are not necessarily bounded, and that the hope of the most splendid and arduous post in British India is not utterly beyond his reach, if he possesses the qualifications of eminent talents, long experience, and approved integrity.

A career so brilliant must, in all its completeness, be the lot only of a fortunate few. Whether the general state of the Indian service, however, be such as to justify that individual picture of successful zeal and exertion which has been drawn, or whether all the arrangements already described, and which seem calculated to make it such, have proved abortive, is a question of fact which every man will decide according to his own means of information. But the consecutive series of improvements which, as has been before related, the Company have in fact introduced into the domestic economy of their dominions, forms no feeble chain of presumptions in favour of that system of service under which measures so important and so difficult have been so entirely carried into effect; and these presumptions from the effect, are strongly supported by others from the cause; that is, by presumptions resulting from the very nature and apparent tendency of the regulations by which the service is actually governed. For the rest, testimony must determine the matter,

and that of a supposed partizan may not command attention. Yet, that the opportunity may not be lost of raising a voice, however feeble, and at whatever hazard of its being heard with incredulity, in vindication of a most meritorious and most calumniated body, it is here asserted, that there does not exist in the world an abler set of public functionaries than the civil servants of the Company; a set, more distinguished for exercised and enlightened intellect, or for the energy, purity, and patriotism, of their public conduct.

This will perhaps be thought a flattering portrait, and, so far at least as the intellectual attainments which make a part of the delineation are concerned, there may possibly be readers who will compare with it, somewhat disadvantageously, those retired East-Indians whom the ordinary intercourse of life has brought within their view. They must have been very unfortunate in their sphere of observation, if such should be the case; but let them, at all events, recollect the many circumstances which may render their conclusion unfair. The persons to whom they refer, have probably passed that season of energy and elasticity of spirit, when men seize those conspicuous posts in society, which the reverence of the world quietly leaves in the possession of their declining years. Their prospects being closed, they perhaps feel something of that drowsiness which is apt to creep over faculties that have no stated exercise. A long residence, also, under an enfeebling sun, has possibly given them that

habitual lassitude of body which at length begins to penetrate through the surface to the mind. Others of them there may be, whom this description does not exactly suit, only because the unfavourable influence of the climate of India has driven them prematurely home, to languish under broken health and disappointed hopes. Under all these disadvantages, they have to struggle with the additional difficulty of settling, as it were, at an advanced age, in a strange land; where the general habits, both of thinking and of intercourse, are, in a certain degree, foreign to them, where conversation seldom more than glances on those subjects that have absorbed the ardour of their youth and the vigour of their manhood, and where, consequently, they have, in some sense, to learn the very alphabet of common life. Under such circumstances, it cannot be a matter of wonder that they do not, in general, act a more brilliant part; perhaps, it may rather constitute their praise. The resistance of the understanding to new impressions may shew how strongly and perfectly it must have taken its former configuration. The tendency of the mind to repose may prove with what zeal it must previously have watched. Nor will the candid observer of this class of men, after making due allowances for their situation, find any thing to contradict, but rather, it is apprehended, every thing to confirm, in the fullest manner, the position which has been laid down; that an abler set of public functionaries does not

exist, than the civil servants of the East-India Company.

Whether the administration of British India, which has now been pretty fully developed, must or must not be productive of happiness to the natives of that region, the reader has to decide. It surely is a question, the determination of which the Company might, without presumption, leave to the natives themselves. It is not, indeed, to be supposed that the higher Mahomedans can view with complacency the dominion which they so lately possessed, in the hands of foreigners, or can, with unmixed pleasure, contemplate institutions of polity which, in blessing the people at large, consolidate the power that supplanted their own. It may even be admitted that, among the more opulent Hindoos, there are those who, having enjoyed and probably abused authority under the ancient government, now lament their diminished consequence and their lost opportunities. But all these would notwithstanding allow the moderation with which power is exercised, and the purity with which justice is administered, by the English; nor can they be unaware of the security consequently derived to their own persons and property. The good-will of the Mahomedans is farther conciliated by our use of their code of criminal justice, and by the official employment which, from that circumstance, our courts of law afford to many individuals of their faith. The poorer and lower members of the community, however, must

necessarily be the greatest gainers by a system of which the capital principle is the extension of equal protection to all classes. In the times of Mahomedan ascendancy, a sort of *devolution* of oppression descended by stages from the prince to the peasant. Every intermediate possessor of rank or influence, oppressed by those above, revenged himself on human nature by oppressing those below. To console him for the misfortune of being a slave, he had the savage satisfaction of being a tyrant. It was to the inferior orders that all the blanks fell in this grand game of misery. It is on these, therefore, that the deepest obligations have been conferred by a government which has rescued them from their state of utter and, as it were, accumulated servitude. The effects of the improvement in their situation will, in no long time, we may conjecture, become perceptible in their altered character and demeanor. It is even said that some change has already taken place in these respects, and that complaints have been heard on the subject from old European settlers in Bengal, who, before the completion of the present system, insensibly adopted, in a partial degree at least, the habits of the country, in their treatment of the inferior natives, and were accustomed to meet with a submission which is now withheld. Such complaints, however, would form the best possible eulogium, not only on the virtue, but on the wisdom also, of the British government; which will find a surer and a cheaper, as well as a more

agreeable, support, in the gratitude of fifty millions of men, than it could ever have wrung from their debasement and fears. It was said by a departed orator, in commendation of a bill proposed to the English Parliament, "that it would secure "the rice in his pot to every man in India." Though the measure which this great man so complimented was not carried into effect, the state of things pictured in his homely but expressive eulogium has in a great measure been realized. Already, throughout that extensive domain, do the meanest rights of the meanest native stand on the solid base of law and justice. Imperfections, indeed, the system contains; as they may be found in all systems, composed of terrestrial elements, and but partially fortified by the confirmation or matured by the experience of age. But it progressively improves; and its foundations are so broad and deep that none can guess the future magnitude of the superstructure. Into whatever forms of moral or political excellence, philanthropy, in her radiant but permitted dreams, can mould the dust of mortality, she may one day awake and find them exemplified on the banks of the Ganges. The edifice is so firmly rooted in earth, that it may eventually hide its summit in heaven.

As an appendix to the view which has been taken of the civil system of the East-India Company, some account of their military system shall now be added.

This subject may perhaps be thought not to

fall regularly within the design of the present chapter. It may be contended, that the nature of the military system of a state, provided only that the military authority is in due subjection to the civil, can in no wise affect the internal condition of the country. It should be recollected, however, that armies form the grand safeguard of national happiness against foreign disturbers. It should be remembered also, that the domestic efficiency of a government greatly depends on the respect which it attracts from its subjects, but which, as human nature is constituted, it is not likely to attract from the mass of them, unless its civil powers and privileges be strongly and evidently supported by a reserved guard of martial strength. Nor should the chances of internal commotion be altogether left out of sight; for, though an authority made up of jealousy and force is most execrable, and though a sovereign ought principally to seek for security in the affections of his people, yet it is unfortunately a solid maxim, that no system which is meant for a permanency should be founded on a lavish confidence in the good dispositions of mankind. Indeed, that a military government will always prove the worst government in the world, cannot be more plain than it is, that a government without any military would soon turn out to be no government at all.

On the actual efficiency of the military system, whatever it is, now established in India, there can be no necessity to expatiate. The renown of arms

is in its nature so much more noisy than the glory of good government, that many are familiar with the exploits of our forces in the East, who have never heard of the less brilliant, but not less honorable, conquests achieved, in that quarter, by the patient and pacific exertions of our domestic policy. It is here meant only to shew that the goodness of the system in practise results from its goodness in constitution; and, again, that this last is purchased at an expense to the state on the whole as small as could suffice for the end required.

No man would gravely recommend that the whole of our military establishment in India should be drawn directly from the population of the parent-country. The parent-country could not nearly sustain the drain of men which would then be requisite to supply that establishment; and the parent-country and her Asiatic dominions together could not nearly sustain the drain of money which would be requisite to support it. This system, farther, would excite the disgust of our Asiatic subjects, and the deepest and the most dangerous disgust among the more proud and adventurous of them, among that class which is naturally inclined to the activity and splendour of a military life, and whose spirit, deprived of this its proper vent, might be worse than lost. To watch and to overawe the discontents thus excited, an additional force must be maintained; that is, a fresh burden entailed on the resources of the state, both in

England and in the East. On such terms India would not be worth our keeping. It is, therefore, on every ground, expedient that the military defense of that country should, in a considerable degree, be confided to its own people, provided this can be done with safety; and, if it cannot, our sole alternative apparently is, to abandon our Asiatic possessions altogether.

On the other hand, it would be unadvisable to employ an Asiatic soldiery exclusively. A strong infusion of British troops is indispensable; not, indeed, except perhaps on some very rare occasions, to keep in check the native forces, which must not be raised if they cannot be ordinarily trusted; but first, to compensate for the comparative deficiency of those forces in physical vigour and resolution, by the superior energy of European frames and spirits; next, to furnish them with a proper standard of professional merit, to fire them with high professional feelings, and to imbue them with just professional habits. But, in order to answer these last purposes in an adequate manner, it seems desirable that this British force should not, like mere foreign auxiliaries, be associated with its native brethren only in the field. A certain proportion of it, at least, should be incorporated with them, should constitute a part of the same service, and be regulated on military principles generally similar. Thus alone can we insure that communion of feeling between the two bodies, by

means of which the elevation of spirit and sentiment natural to the one, shall effectually and unintermittedly communicate itself to the other.

For nearly the same reasons, the commissioned officers immediately commanding the native troops, should be British, and drawn from the same class out of which the European corps connected with them are officered. In this manner, they will constitute the channels of that reciprocal sympathy already mentioned. The visible and immediate guidance, besides, of British leaders, is highly requisite to the efficiency of the native troops, who possess little inherent energy, and yet are very capable of that which is infused and derivative. The inhabitants of Hindostan seem mostly to resemble feminine natures; in which, it is frequently seen that affection founded on confidence supplies the place of vigour and hardihood, and that, although not formed for original daring, they can attain to very considerable elevation by growing round a more robust character. When the native soldiery are properly managed, their attachment to an European officer is unbounded; nor do any troops furnish more striking examples of that reliance on their leaders, which, where it is perfect, appears to render all the different wills of a great army but so many different pulses of the same organic frame, and, for the time, almost as absolutely transfers the heart of a commander to his followers, as if it were beating in their own bosoms. An additional reason for the employment of British officers is, that

the soldiers may, in the persons immediately superintending them, see, as it were, unveiled, the hand of the power on whose bounty they subsist, or, as Oriental phraseology would express the idea, *with whose salt they are fed.* This circumstance has doubtless contributed to cherish that loyalty for which the troops in question are so remarkable; a loyalty, which has shewn itself, not only unshaken amidst privations and toils exceeding the ordinary inflictions of war, but unswerving amidst the most artful seductions on the part of the native princes who have been arrayed against the Company.

But, * that these important objects may be fully secured, extreme care, and even delicacy, are indispensable in the management of the Indian part of this army. The language, the usages, and the prejudices, of the natives of India are peculiar; and, if the great body of the officers immediately in contact with them be unacquainted with these, they will not only fail to conciliate, but will even alienate, the minds of their soldiers; an event, of which the consequences might be unspeakably dangerous. Certainly, instances are not wanting in our own service to illustrate this remark; and, among the causes that occasioned the unhappy military failures of the well-known French com-

* Several of the remarks that follow, on the military system of the Company, are closely borrowed from the Letter of the Chairman and Deputy Chairman of the Company to the Right Honorable Robert Dundas, dated the 13th January, 1809.

mander, M. Lally, we may doubtless reckon his imprudence in doing violence to the superstitions of the sepoys in his army. The requisite knowledge, however, of the singular nature and habits of the Asiatics, can be the work only of time and experience. Whatever scope, therefore, it may be thought necessary to afford, in Europe, to the self-inspired display of premature talents, no man can be properly qualified to command a corps of Indian sepoys, who has not been prepared for the task by a long and local military education. The question is, how he shall be so prepared, compatibly with that *European* education which, in order to fortify him with European attachments, and familiarize him to European modes of thinking, he ought previously to have received? One method of accomplishing this end plainly is, to establish in the Indo-British army the principle of a gradual rise by seniority; the effect of which arrangement must be, that the powers entrusted to the officers shall grow in proportion to the experience respectively acquired by them; and any other method it probably would be difficult to find.

Some readers may possibly ask, why the principle of succession by seniority, and that of succession by merit, should not be interwoven together in the Indo-British army, as those principles have already been shewn to co-exist in the civil service of the Company. There are several views, however, in which the rules of succession adopted in the civil, would be inapplicable to the military service; but

a better answer, perhaps, to the question may be furnished by this single fact, that the very nature of military service sufficiently includes the principle of selection, even where the only rule of advancement ostensibly applied is that of seniority. If a civil functionary succeeds, by seniority, to a particular station, he succeeds to that in which not only his local position, by the very terms of the appointment, but, in ordinary cases, all the duties which he has to discharge are determinate. But, when a military officer succeeds to a particular rank in the army, neither the post which he must occupy, nor the service which he must perform, nor even, within certain limits, the emoluments which he is to receive, can be definitely predetermined. All these float at large, and must, by the local or the supreme commander, be shaped in conformity with the varying call of war, which ever creates its own occasions. Even in this light, therefore, alone, a military system regulated by seniority has, naturally, that advantage which the Indian civil system derives from the formal admission of the principle of choice; since, for every important service, there are a number of candidates equally qualified on the ground of law, and, out of these, the additional qualification of merit may decide the individual. But what increases the latitude of choice is, that the ruling authorities, or their delegates, possess a summary method of promoting ability and rewarding desert, in their power of conferring brevet-rank or staff-appointments.

It must be unnecessary to add that, in the preceding remarks, though hypothetically couched, the actual form and constitution of the local force which the Company maintain in India have been described. The native or sepoy troops under the three presidencies, including the non-commissioned officers, who are also natives, amount to one hundred and twenty-two thousand men; of whom about nine thousand are cavalry, equally divided between Bengal and Madras. The European officers immediately attached to this force form nearly three thousand. Of European regiments, each presidency is furnished with one, besides artillery, and engineers; and the number, on the whole, of these troops, with their officers, exceeds four thousand. The officers rise by seniority. The character which this mixed army has acquired is not inferior to that of any armed body on earth; and may greatly be ascribed to that intimate acquaintance with the native manners and customs, which has enabled the officers to win the confidence, and to excite and direct the spirit, of their sepoys.

Formerly, each of the presidencies was furnished with three European regiments. On the grounds, before stated, for leavening the native army with a strong mixture of British troops belonging to the same service, it certainly is desirable that the European force of the Company were increased; while a project which has sometimes been mentioned, of totally reducing that force, must, on the same grounds, be decidedly deprecated, as

threatening utter destruction to the military efficiency of the sepoys.

On a principle, however, of economizing the warlike means and resources of the British nation at large, it is natural that the disposable force of the empire should be transferred from one part of it to another, according to the changing demands of the common interest. Hence, it has become usual for the English government at home to send to India a certain number of regiments from the army of His Majesty, which are for the time placed at the disposal of the Company, and co-operate with the army immediately subject to that body. It must be owned that the practise has somewhat overgrown the principle which gave it birth, about twenty-two thousand of the royal troops being now habitually stationed in India, and at the expense of the Company. The commander-in-chief of these troops is, of course, appointed by the King, while the Company have the power of appointing their own commanders-in-chief. But, in order that unity of operation may be secured, the commander-in-chief of all the forces under any one presidency is usually the same person, nominated both by the King and by the Company to the command of their respective armies, and acting by virtue of a commission from each.

The introduction of the royal forces into India has unfortunately proved the occasion of exciting some feelings of jealousy and discontent among the officers of the Company. In the royal

service, the purchase of commissions is allowed, in consequence of which, a rapid advancement sometimes takes place. In the service of the Company, the rise is only by seniority, and of course comparatively tardy. It occasionally happens, therefore, that, in instances where the two descriptions of force serve together, officers belonging to the royal troops take rank of officers bearing the commission of the Company, who are their superiors both in age and experience; a preference, not easily brooked by a soldier of long and tried service, conscious of desert and ambitious of distinction.

This is unquestionably an inconvenience affecting the present system, and one which scarcely seems removable without the introduction of others still greater. As a remedy for it, some have advised that the army of the Company should be incorporated with that of the Crown, and placed under the supreme military authorities at home, the local governments in India having still the power of directing its services as might seem fit. Were such a measure attended with the completest success, it would yet purchase the advantages proposed by it at a truly dear rate. It would throw into the influence of the Crown a vast addition of patronage, and it would weaken the hands of the Company, not only in the same proportion, but in one far greater. The subtraction of so great an amount of patronage must, indeed, give them a blow; but they would sustain a heavier infliction

in the loss of that deference and veneration which they inspire, both among their own subjects and among foreign states, from being conspicuously attended by the commanding ensigns of military greatness. Even the mere name of *the Company's army* produces, in this respect, a salutary influence; which, however, is only a small part of the advantage resulting from the present system. Under that system, the Company, in their own right, levy, organize, and reduce troops;—all, functions of sovereignty. They constitute the fountain of military rank and reward to a numerous and gallant soldiery; remunerating service, punishing unworthiness, listening to complaint, and providing an honorable retirement for veteran merit. Their administration, even in matters properly and purely civil, derives weight and effect from the known fact that it is conducted by the hands of those who are the undisputed masters of legions. The consequences may be guessed, then, of an arrangement which should entirely denude them of their military prerogatives, place them behind the shield of a superior power, and exhibit them in the very equivocal light of a government rather *protected* than *armed*.

If there be any part of the world, with regard to which these observations peculiarly apply, it is Hindostan. In the ancient and inveterate opinion of the natives of that country, the distinctive, and perhaps the only incommunicable, attribute of supreme power, is the command of the sword:—

an opinion, which has naturally grown up under despotic governments, and amidst barbarous modes of international policy. For it is in such scenes and situations that the agency of armies becomes the most broadly discernible; rather operating with the rage of flame, than, as in more civilized quarters, silently and equably propagating heat throughout the system. Among other exemplifications of the efficacy of military power, the inhabitants of Hindostan have before their eyes many remarkable instances of princes, who, having once surrendered to a minister or an ally this talisman, as it may be called, of sovereignty, have quickly wasted away into dependence and servitude. Would it be a matter of wonder, if they applied these precedents to the case now in question?

Considering how greatly the stability of the Indo-British government, and the same thing would be true of any government in the same situation, depends on opinion, it would surely be a great evil, if the natives supposed that the Company itself, of whom that government immediately holds, and whom it represents, had no effectual controul over the armies ostensibly supporting its authority, but was in truth merely a passive instrument in the grasp of a higher power. But what would extremely aggravate the evil, is, that the supposition might probably not fall far short of the fact. The moment that it communicated itself, as it soon must, to the Sepoys, it would, in a great degree, be realized. Taught to center elsewhere their

loyalty and their expectations, that class of men might be expected to regard with but a distracted sort of respect those who must appear to them only the ministerial dispensers of the royal bounty. Against the effects of this disposition, the Company could look for no insurance except in the proud protection of the officers, pluming themselves on the unpunctilious alacrity with which they lent themselves to the defense of an unarmed body of merchants, and, on all occasions, ready to prove to their employers at home, that the complaints preferred against them by the local governments were totally unfounded. Even here, the probability of mischief does not stop. By the present constitution, as has been shewn in a former page, the supreme administration of Indian affairs is divided, in a tolerably equal ratio, between the Company at home and the executive servants of the Crown. But it would be vain to imagine that the equipoise could be preserved, after the sword should have been thrown into one scale. Having resigned to ministers the military power and patronage of India,—the key, as it may be called, of their garrison,—the Company could no longer conduct their portion of this high concern with that sensation of independence and self-respect essential to a due discharge of the functions of command.

And for what object, it may be asked, are these very serious hazards to be incurred? In order to obviate, it is answered, the causes of the subsist-

ing jealousies between the officers commanding the troops of the Company, and the officers of the royal army serving in India. There are, however, the best reasons for believing that the causes of those jealousies would, after all, *not* be obviated. The unpleasant feelings sometimes entertained by the officers of the Company towards those of His Majesty, arise, not from the circumstance that the *masters* whom the two classes serve are different, but from this, that the *rules* of the two services are different. So long, however, as the one service is of a provincial, and the other of a general, nature,—so long as the purchase of commissions is permitted in the service of the King, and those solid reasons remain, for which the principle of succession by seniority has been adopted in the sepoy-service,—so long it would appear that this difference of rules must remain also; and to consolidate under one head the two services between which it subsists, does not seem the means of rendering it less evident.

At the same time, the difficulty, though it cannot be entirely overcome, may in a good degree be evaded, if the commanders employed in India will be careful not to give the officers of the Company unnecessary umbrage; if they will pay every just deference to the claims, and every delicate attention to the feelings, of one of the most gallant and honorable bodies of military servants in existence. Under prudent management, the tendency to opposition between the two services

in question, so far from producing evil, may even be converted to some salutary purposes. Certainly, it has, on general principles, often been held that the troops of a state ought not to be throughout organized by one common rule; that, wise as it is to encourage among them a communion of professional sentiment, yet to temper in some degree this sympathy is wise also; that to introduce among them a partial division of interests, both cherishes in them a principle of honorable emulation, and obviates the not wholly groundless apprehensions with which the friends of civil liberty are apt to regard the system of standing armies. Conformably to these maxims, it would not be difficult to state cases, in which the existing jealousies between the two component parts of the Indo-British force, might prove an important bulwark against the dangers to be feared from the faultering loyalty of one of them. On such cases, however, though not wholly to be excluded from view in any plan for the administration of British India, it neither is agreeable, nor appears useful, to dwell. A well-born mind will rather love to recall the recollection, and to anticipate the recurrence, of those many instances, blazoned in history, in which the jealousies alluded to have flamed out into acts of glorious rivalry, and in which the separate and emulous exertions of each party, in the common cause, have conspired to cover both with one renown.

Such, on the whole, is the constitution established for the government of British India; and the long, and it is feared, tedious survey which has been afforded of it, shall now be closed with two short and plain remarks.

First; That system cannot be a bad one, under which so many and so great advantages have been secured to the inhabitants of the territories comprised within the Indo-British empire, and such strength and firmness to the empire itself. It is now the thirtieth year, since those memorable words were spoken by a celebrated parliamentary orator, in justification of a measure directed against the existence of the Company: "I am "now come to my last condition, without which, "for one, I will never readily lend my hand to "the destruction of any established government; "which is, That in its present state, the govern-"ment of the East-India Company is absolutely "incorrigible."* Had that great man been spared to the wishes of his country, how certainly might he now have been expected to recant his proposal, in virtue of the very doctrine on which it is founded! What an amendment has, since the period of his remark, undeniably been effected in the political constitution of British India! And how doubly and trebly striking that amendment, if the invectives which his terrible eloquence

* Burke's Speech on Mr. Fox's East India Bill, 1st Dec. 1783.

pointed against the Company of his own day, were within the privilege even of oratorical truth! It will be fruitless to pretend, with some objectors, that the improvements in question have been effected, not through the means of the present system, but in spite of it. Such objectors, Burke might have been apt to class with the preachers of that vulgar democracy, which affects to teach that the British constitution has proved beneficial, not by means of its monarchial elements, but in spite of them. There can be no sounder, no safer tests of the goodness of a system, than the practical advantages which it produces, and its susceptibility of gradual improvement. Where these are found together, as in the Indian constitution they are incontrovertibly found together, prejudice against any material change of principle becomes reason, and the speculative innovator, however specious his propositions, is not to be derided as a theorist, but repulsed as an enemy.

Hence appears to grow forth a second remark; which is, that, when any measure is recommended, from which even a remote probability of danger to the existing Indian system can be shewn, a weighty burden of proof falls on the advocates of such a measure. Let it be imagined, that some farther relaxation is proposed of the qualified monopoly possessed by the Company in the commerce of India. Let the Company be supposed to resist the project, on the ground that it would, by a circuitous, perhaps, but by a very likely process,

endanger the security of their political power. Could any thing be less reasonable than for the champions of the proposal to contend that, the presumption being always against monopoly, the business of proof rested wholly with the Company? So far as the unmixed question of monopoly extends, the assertion might be just. But, when even a *primâ facie* argument is produced on the part of the Company, that the desired change would vitally affect the political part of the Indian system, at that moment they have, beyond all doubt, devolved the burden of proof on the innovator. Nor, again, would it be sufficient for the innovator to shew, even by the most unexceptionable chain of reasoning, that the possibility was, on the whole, against the occurrence of the mischiefs apprehended by the Company. A measurement of probabilities is admissible only between things of the same kind,—between quantities of the same *order*; but commercial and political advantage do not fall under this description. The certainty, however unquestionable, of commercial advantage, can never be set against the likelihood of political loss, however faint. An empire cannot be prosperously ruled on a contingent tenure. The political welfare of the fifty or sixty millions of persons who constitute the population of British India, cannot live on the thin element of mere probability.

CHAPTER II.

On the probable effects of allowing to British Subjects in general, a right, complete or very partially qualified, of trading to, and of residing in, British India, and any part of it.

Any material innovation on our present Indian system, would probably involve one or both of the two following consequences:

First, That of allowing to British subjects in general, a right, complete or very partially qualified, of trading to, and of residing in, British India, and any part of it.

Secondly, That of transferring, entirely, or in great part, the civil and military functions now exercised by the Company, as the sovereigns of India, together with the patronage attached to them in that character, to some other person or persons.

It is scarcely worth while to observe, that the greater part of those who contend for the total abolition of the present system, fully contemplate a change in both these respects. There are others, however, who recommend only a partial abrogation of the privileges of the Company, and would leave that body in possession, some, of the substance of its political power and patronage, without its

commercial monopoly, others, of the substance of its commercial monopoly, without its political power and patronage. The former, or at least most of them, would confer on all British subjects a general right of trading to, and of residing in, any part of British India. The latter would vest in some other hands the political functions and patronage now belonging to the Company. It would not, indeed, be easy to conceive any thing amounting to a material innovation on the present system, to which one or both of these consequences should not be appendent; and it is, in point of fact, notorious, that one or both of them are distinctly anticipated by the generality of those who are decidedly advocates for such innovation.

It is, therefore, at once safe and just, by way of ascertaining what evils might be likely to arise from any considerable change in the present system, to enquire what evils would probably be connected with a change in either of the two particulars mentioned. This enquiry it is now intended to undertake; and, in the present chapter, it shall be considered what would be the operation, both immediate and eventual, of an arrangement which should extend to all British subjects the liberty of trading to, and of residing in, the British dominions in the East, and any part of those dominions.

It has been believed, not only by the advocates, but also by many of the opponents, of the Com-

pany, that the result of conferring such a liberty on British subjects in general, would be the *colonization* of India. Dr. Adam Smith casts it as a reproach on the exclusive companies which have managed the Indian commerce of England, Holland, and other European nations, that, with the exception of Batavia, no colonies have been formed in their Eastern dominions. Speaking of "the genius of exclusive companies," he observes that it is "unfavourable to the growth of new "colonies, and has probably been the principal "cause of the little progress which they have "made in the East-Indies. The Portuguese carried on the trade to Africa and the East-Indies, "without any exclusive companies, and their "settlements at Congo, Angola, and Benguela, "on the coast of Africa, and at Goa in the East-"Indies, though much depressed by superstition "and every sort of bad government, yet bear "some faint resemblance to the colonies of America, and are partly inhabited by Portuguese, "who have been established there for several "generations."* Some of the followers of Dr. Smith, refining on the doctrines of their master, have maintained, not only that colonization must be the natural result of a free influx of Europeans into the East, but that even the restricted and modified intercourse, of which the present system allows, between Great Britain and her Eastern

* Wealth of Nations, Book IV. Ch. vii. part 3.

possessions, will speedily form British colonies in that quarter of the globe.*

Some later writers, however, on the same side, have assumed a different ground. The author of "Considerations on the trade with India," not content with asserting that the relation between England and India "bears no resemblance what-"ever, and *never can have any,* to that of colonies "and the mother country," proceeds to represent the apprehension of colonization as *visionary, chimerical,* and *strange;*—the weak fancy, it may be presumed, of narrow and deluded minds. As this writer generally pays a profound deference to the judgment of Dr. Smith, it may be suspected that his violent and contemptuous reprobation, in the present instance, of a sentiment which Dr. Smith so directly sanctions, has arisen from inadvertence. Opinions, however, cannot be surrendered to the authority of great names; and as there may, perhaps, be others who, with him, contemn "the apprehension of colonization," it seems proper that this question should be argued with a reference to such persons. To this end, let us first set out of view all idea of colonization; let us suppose that the effect of a free trade and access to India will be to draw thither, not settlers, but merely temporary residents, generally actuated by the view of acquiring wealth; and let us ob-

* Edinburgh Review, Vol. IV. No. 8. Review of Tennant's Indian Recreations.

serve in what manner, even thus simply considered, a free trade and access will operate on the state and circumstances of that country. It will afterwards be open to investigation, whether such a change of system would be likely to land us in colonization, and how far such an event is desirable.

There is, indeed, a real propriety in this distribution of the subject, independently of its suitableness to the existing state of the controversy. Colonization, at all events, cannot be instantaneous; and we have, in fact, therefore, to consider, by a very natural order, first, what are likely to be the immediate, and then, what the remoter, effects of a free trade and access to India. Besides, while some pretend that the utmost freedom of trade and access might be established, without producing colonization, it seems much easier to believe that colonization might take place, though the utmost freedom of trade and access were not established. That is to say, it is conceivable that even such a partial relaxation of the present restrictive system, as should be unattended with those immediate evils which complete freedom is likely to occasion, might yet lead to colonization, and incur, of course, all the objections to which colonization may seem liable. Colonization, therefore, were it for this reason alone, is not to be classed merely among the other effects of a free trade and access, but demands a separate consideration.

The associated community of British and natives in our Eastern dominions, certainly presents one of the most curious and interesting spectacles ever witnessed. We observe two races of men, not more distinct in origin than they are in language, complexion, dress, manners, customs, and religion; nor is the distinction in these respects more complete than the disproportion in energy both of body and mind. We have, on the one side, extreme feebleness of frame joined with extreme effeminacy, dependence, and timidity of spirit; on the other, we have vigour, hardiness, courage, enterprize, and ambition. This natural inequality is increased by the consciousness, confessed on the one side, cherished on the other, that the feeble race is politically subject to the stronger. Here alone we should be apt to think that sufficient ground was laid for a perpetual reciprocation of injustice and suffering; for, although the disparity of numbers is very greatly in favour of the weaker side, yet this is an advantage which is not so obvious, in the daily intercourse of man with man, as the opposite advantage of personal powers and prowess, and which, indeed, can never be brought into full effect, except by a concert and unity of operation, little to be expected from a mass of abjectness and pusillanimity.

But, farther, this weak race is remarkable for an attachment the most obstinate to a set of customs and institutions the most singular, and to superstitions so whimsically interwoven with the whole frame

of life, that, under some circumstances, a simple touch from a person of a different persuasion is considered as an almost equally serious injury with a mortal stab. To answer to this peculiarity, there is, on the other side, a national character, generous and humane, indeed, yet by no means *delicate* in its generosity and humanity, and proverbially distinguished for an aptness to view with contempt and derision all foreign customs and institutions whatsoever. This, then, is a new vulnerable point, in which we should expect the superiority of the stronger character to make itself felt, and to inflict the deepest wounds. It must be owned, indeed, that in this point nature seems to have placed something like a principle, if not of redress, yet of retaliation, and to have provided, not a weight to steady the balance, but an occasional force to throw up violently the descending scale. In the single article of a religious affront, these generally tranquil beings seem capable of active resentment. An insult here, has been known to rouse them into motion and vengeance with the suddenness of an explosion. Here, then, they are dangerous to their masters; and, if the limits of the danger were plainly and visibly defined, or if it were in the nature of man to be perpetually on his guard against concealed and uncertain perils, to be sufficiently provided against an evil which is never heard before it is felt, to be always self-possessed when the temptation is present and the punishment out of sight,—then we

might suppose that the masters would, as a matter of course, be ever aware of this irritable part in the constitution of their subjects, and ever avoid coming in contact with it. But, though statesmen, and though wise men of every station, may be thus cautious, how shall the same prudence be communicated to the vulgar, the unthinking, the inexperienced? Or how, but by uniform attention, can they avoid a danger which is incident to all the common course of private life? On the whole, therefore, it would be natural to expect, that the general intercourse between two such orders of persons as have been described, would be an intercourse of injury and suffering, subject, however, to interruption from some paroxysm of revenge on the part of the injured.

Yet, in Hindostan, nothing of all these effects occurs, or, except perhaps in one solitary instance, has occurred for years. Two races, such as have been delineated, mix there in daily and hourly intercourse; and yet there is neither habitual injury, nor habitual suffering, nor occasional revenge.

How this state of things has been produced, it would, perhaps, be tedious in this place to enquire; but there is another question which cannot be dispensed with,—by what means it is practically maintained. Without any pretensions to logical exactness of arrangement, those means may be resolved into the four following: First, the authority of the local executive government, which may peremptorily order out of the country any

European, whose conduct is such as to excite a popular alarm among the natives. Secondly, the tribunals of the Supreme Courts of Judicature, and of the parallel Court of the Recorder in Bombay; tribunals which, being totally independent of the Company, may be said to hold the judicial balance between the British residents and the natives. Thirdly, the intimate intercourse and effectual sympathy maintained between Great Britain and British India, insomuch that the British subjects resident in the latter, being educated in Great-Britain, always holding connexion with it, and always aware that they act under its supervision, partly derive by inheritance, partly catch by contagion, and partly consult from prudence, those sentiments of right and justice, which are here generally popular, but which, in India, local prejudices might be apt to extinguish or overbear. Fourthly, the rule, adopted and enforced in the Indian service, of gradual and progressive advancement; and, what may be viewed in combination with this, the prohibition imposed on all British subjects, of residing, without a special license, at any place in India, except within ten miles of some one of the principal settlements. By these two provisions it is secured, first, that situations of high power or influence or responsibility shall be conferred only on those, whose residence in the country has been sufficiently long to familiarize them with the usages and manners of the natives; and secondly, that British subjects in general, de-

barred from lawless rambles throughout the vast continent, and among the varied population, of Hindostan, shall ordinarily be confined to places, in which experience has, in a great measure, familiarized the natives with the usages and manners of Europeans.

Of these four barriers between the native and the British resident, it will hereafter appear that the third,—the subjection of the resident to the public opinion transmitted or caught from his mother country,—is probably the most efficient, so far as respects the ill usage to which the natives might be exposed, merely from their inferiority in general force of character, and independently of any direct violation of their peculiar customs and prejudices. In this excepted point, however, their chief security seems to consist in the regulations comprised under the last of the four heads enumerated. The fear of punishment, or the influence of the characteristic benevolence of their country, might supply the British residents with motives to caution and forbearance in their intercourse with the natives; but good motives or right intentions will, in this case, do little, without a practical knowledge, or rather a *sense*, of the singularities of the native character and customs, and a formed habit of making allowance for those singularities. These qualifications, no laws, however wise or wisely administered, no vigilance of eye or vigour of arm on the part of the executive government, no sympathy, however

intimate, between the minds of the local and those of the British public, can communicate; nothing can communicate them but a slow training and experience.

Were the country thrown more open to the ingress of European adventurers, there are many reasons for thinking that material encroachments would speedily take place on the prejudices and privileges of the natives. The executive and the judicial authorities, which easily controul an orderly, compact, and, as it were, disciplined array of persons, would find the task very different of watching a set of independent irregulars, in a state of wide dispersion. Public opinion in this country, which, with equal attention and effect, watches the Indo-British community, so long as it is comprised within known and narrow limits, would be little competent to the cognizance of numerous adventurers, scattered, unhearing and unheard, over the vast area of the Indian Continent; nor is it to be assumed that the adventurers in question would prove equally alive to the influence of public opinion, with the persons introduced by the present system. But the greatest evil, by far, would be the necessary supersession of that slow policy of *training and experience* already mentioned. At present, all the collectors of revenue, commercial residents, and judges, in the service of the Company, are preferred to their respective stations, as was fully explained in the first chapter of this work, in some joint proportion

to merit and length of service. If the Company were abolished, political or judicial situations, indeed, might still be conferred by the same rule; but the keeping these doors fast would avail little, if the wide gate of commercial speculation were unclosed. The ignorance and prejudices of Englishmen, once suffered to come into unrestrained contact with the ignorance and prejudices of Hindoos, some terrible detonation would probably be the consequence.

These observations will be, if possible, still more conclusive, should it be allowed that a freedom of trade and access to India would, in any considerable degree, augment the number of British residents in that region. Yet this would be no very extravagant postulate, but seems to have the sanction, by implication at least, of all parties. The sanction of it by the advocates of free trade and access is sufficiently involved in their perpetually declared opinion, that the adoption of the system which they recommend would open a vast number of new channels to the commercial skill and enterprize of Great Britain. For it is admitted, that our trade in India cannot be conducted without the presence of British merchants or agents; and it may reasonably be presumed, that a vast increase of the work done, implies at least a considerable increase in the number of the labourers. On the other hand, it is notorious that the position in question is maintained, though, generally speaking, on far different

grounds, by most of those who oppose, either partially or entirely, the emancipation of the Indian trade. Without, therefore, any examination, in this place, of the reasonings employed by these conflicting parties, the common conclusion in which those opposite reasonings appear to result, may be taken for granted. But, though it is thus referred to as confirmatory of the general argument here maintained, the reader will take notice that, even independently of its truth and on the supposition of its utter falsity, the argument remains valid.

On the consequences which a free entrance of Europeans into India would be likely, in its first operation, to produce, there seems no occasion to add more. It is a perfectly distinct question whether, in a subsequent stage, such an event would not lead to the colonization of India; and this question must be discussed on such large grounds as to comprehend another enquiry,—how far the same effect might be expected to result, even from a partial relaxation of the restrictions at present in force, on the residence and commerce of Europeans in that country.

Although the idea of colonization in India has been represented as altogether chimerical, yet, at all events, its title to these epithets can be made out only by a minute and detailed investigation, and is not apparent on the surface. On the contrary, an impartial observer, casting a view on the subject for the first time, would rather be apt to

ask, why the connexion between the two countries had not already led to the effect in question? For let us contemplate the case as it would strike such a person. Inclusively of the troops sent by His Majesty, more than thirty thousand British subjects, of the full blood, reside in India; several thousands of them from early youth, some from an age scarcely passed childhood. They enter into a great variety of occupations and pursuits. They gradually become habituated, and even attached, to the climate, manners, and mode of living, which belong to the country. Many form matrimonial alliances with women of their own country, and others enter into less reputable connexions with the native races. The life which they lead is, generally speaking, not destitute of most of the comforts enjoyed by the parallel ranks of society in England, and adds to these, many luxuries peculiarly its own. Accordingly, with the option always held forth to them of a return to their native land, the instances are rare, in which any of them so returns, till he has attained to advanced years; and the fact is, that no greater number than in the ratio of one to five return at all. Yet, with some inconsiderable exception, scarcely one of this large and fluctuating body is found to *settle* or *colonize* in India. Scarcely one, that is, (for of verbal disputes there is no end), is found deliberately to fix in it his abode for life, and to leave a family which shall occupy his place after his death. Scarcely one is found, at any point of

his stay, to abandon the purpose, however feebly he may entertain the hope, of revisiting, at some late period, the country from which he came, and of there passing the evening of his days.

On every obvious principle of human nature, this surely must be regarded as a singular circumstance; nor do those who look for the solution of it in the admitted peculiarity of the system of connexion established between the two countries, and who maintain that, with the abrogation of that system, it would cease to exist, seem to contend for any position which is, on the face of it, preposterous or absurd. That the matter may be properly decided, however, it must be examined with minuteness; and we shall do well to enquire, not merely whether this state of things is to be ascribed to the nature of our Indian system, but also, how far it can be ascribed to that cause exclusively.

To dwell, in this case, on that general attachment of men to their native country, which renders them slow to expatriate themselves, or on other similar topics, would be very little to the purpose; because such impediments have existed in almost every instance in which a colony has been planted. The question is, respecting the peculiar difficulties with which we have to struggle in the case of India. And here it does not seem to be denied that our present Indian policy throws many obstacles in the way of colonization: only these, as the author of the "Considerations" is

persuaded, are wholly superfluous. According to him, colonization is opposed by insurmountable obstacles, totally independent of the Company's system; on which supposition, of course, the restraints imposed on it by that system must be like a line of works erected in defense of an inaccessible precipice. These independent obstacles are, it would seem, two. First, the persons who are naturally drawn from England to India by the existing circumstances of both countries, are not of a class likely to colonize; and secondly, India is too well peopled to afford any scope for projects of colonization.

First; we are told that, wherever colonization has taken place, the lower orders of the community have furnished the great majority of the settlers; and that, in general, the colony has been erected on the basis of agriculture. Those, it is said, on the contrary, who quit England for India, are of a higher condition in life, and leave their country only as civil, military, or commercial adventurers, intent on the acquisition of wealth, and without any view of more than a temporary exile.

The two facts, that colonies have usually arisen from agricultural beginnings, and that the bulk of the adventurers has been furnished by the lower classes of the community, apparently bear very little relation to a subject like the present. The author of the "Considerations," indeed, takes the trouble to sketch the general history of colonial establishments, ancient and modern, with the pur-

pose of shewing that they have been composed of elements very different from those out of which any colony can rise in India. It seems idle to talk of precedents, where no analogy of circumstances can be pretended. Have all his historic studies introduced him to the acquaintance of any one establishment, of a nature, and in a situation, at all parallel to the Indo-British community? He has, it appears, found no instance in which such a community has become a colony;—has he then found any one, in which such a community has *failed* to become a colony? Or what do we gain by learning, that the experiment has never yet been observed to turn out in a particular manner, if the truth is, that it was never known to be tried at all?

If, setting aside this nugatory reference to colonial history, the argument be put simply thus, that a body of men, of a station more or less above that of the commonalty, and living in a foreign country with a view of acquiring what is called a fortune, are less likely to take permanent root in such country, than if they had originally been so many labourers or journeymen, had with difficulty found the means of transporting themselves to the land of their adventure, and had there been settled, as cultivators, on small allotments of ground, —we have a proposition which is nearly identical, but yet it will be found that the argument is very little mended. For let us, in the first place, recollect the facts of the case. These *civil, military,*

and *commercial adventurers*, do not merely rush through the country, amass in five or six years a great booty, and then retire with their gains:—they are men who, in very early youth, enter into regular lines of business or employment, in which success or advancement is the gradual and generally the slow result of patient assiduity. Their lives, or by much the greater portion of them, are passed in this foreign country, and in a style of easy affluence which few of them can, on their late return home, afford to maintain; and the truth is, that they are then generally found to look back with some regret on the abode of their youth and vigorous maturity, and seem with difficulty to become afresh domesticated in that of their childhood.

Most of these persons belong to the mercantile class; and merchants, it is said, do not so easily take root as agriculturists. A merchant is a *citizen of the world.* This consideration, however, would prove too much; because, if merchants in general be citizens of the world, it may not be easy to explain, why a large body of them should for years continue to be actuated by an indestructible spirit of citizenship towards a distant native country. A merchant, besides, often lays out his commercial profits on land; and the experience of every day may prove that he does not always defer this operation till his final retirement from business, but is very apt to conduct it gradually, by the appropriation to it of a part of his income. In this

case, however, we should naturally expect him to become an agriculturist in the country where his mercantile concerns might lie. Perhaps, instead of the proper merchant, we have a master-manufacturer; but a manufacturer, in addition to the inducements by which, in common with the merchant, he may be attached to the spot where he has carried on his affairs, has this peculiar one, that he has probably sunk a good deal of capital on his manufactory, and fixed capital is a sort of anchor which binds men to a local habitation. Beyond all this, it is most natural, both to the merchant, the manufacturer, the agriculturist, and every human being, that they should educate their children for their own profession; a proceeding which, of all others, has a tendency to root them with their families in the place where they have laboured.

With reference to this state of things, let the true nature of the question before us be considered. In spite of all the motives which have been described as naturally counteracting, in the breast of the Indo-British resident, the love of home, let it be admitted that, on an average, the love of home is apt to preponderate with persons of that class; and if the question were, why the greater part of them, or why half of them, do not finally settle in India? this concession would effectually decide it. But the question is, why at least a *minority* do not settle there? why, in effect, *none* settle there? It is manifest that, if a

tolerable minority of every detachment settled,—if a residuum were always left,—colonization would be advancing as surely, though not as rapidly, as if none ever returned. It is equally manifest that, if the motives against settling were only such as, with ordinary men, would preponderate on the whole over the motives for it, then, amidst the varieties of disposition and circumstances which must of course prevail in so great a number, some would always be found, with whom peculiarity of temper or situation would turn the balance the other way. That is, a minority would always settle, and colonization, of course, take place. A preponderance, therefore, of motives will not suffice in this case; nor yet a great preponderance of them. None but the most powerful reasons, indeed, could thus conquer all the accidents of individual fortune or caprice, and uniformly and universally actuate a large and a perpetually fluctuating multitude. Neither their profession, however, nor their birth, appears to constitute such a reason.

But the argument has been stated weakly. If we leave out of view the British residents in India, who are the subjects of dispute, and take all the other persons of tolerably good birth throughout the world, who voluntarily, and for the sake of acquiring a fortune, reside in a country foreign to them from the age of sixteen to fifty, it may surely be affirmed, with the utmost safety, that

two in three of them become naturalized in the country where they so live, and bequeath it to their descendants.

In another respect, also, the argument has been stated weakly. It has been tacitly conceded that, in the nature of things, the majority of the adventurers who resort to India, are of a certain respectable rank in society, and that, unless they are prevented by a premature death, there is a moral certainty of their being in a condition to return to England with a competent fortune. Such is now, on the whole, the case; but that such would be the case under a new system, is far from evident. Even at present, many persons of a subordinate rank go out, either as tradesmen of various kinds, or to fill the humbler stations in some of the various establishments, civil and military; but it has not been proved that these are limited to their present number by any physical necessity. The voyage, it is said, is expensive. The voyage, however, is not above half as long again as the voyage to some parts of America; and this difference would plainly have no effect on any but the very lowest class of the people. Then, the wages of labour, we are told, in Hindostan, are low; such is the fact, but the profits of stock are proportionably high; and when the pages of the "Considerations," and of most of the works published on the same side, overflow with vague anticipations respecting the vast capabilities of commerce—the mines of mercantile enterprize—yet lying unexplored in the East, it

is too much to assume that, on the supposition of an open avenue to those regions, a multitude of small retail-dealers and petty manufacturers would not be attracted thither, in perfect confidence that their little all was well bestowed on a speculation which might, one day, restore them to their country in the full splendour of barbaric opulence.

The chance of colonization must, in some degree, depend on the numbers of those who go out, but, in a greater degree, on the rapidity with which fortunes are made. Whatever lengthens the residence of the adventurer, or whatever throws doubt on his prospect of an ultimate return, must furnish him with a fresh inducement to adopt, at once, the country where he is actually situated. But it is easy to shew that, in the natural course of things, the average residence of the Indo-Britons would be longer than under the existing system; or, rather, it has already been shewn. If, in the natural course of things, a lower order of adventurers would find their way to India, and this in addition to the same number as now go out, then the want of capital in the case of some, and, at the same time, a general reduction of mercantile profit, would prolong to all the term of stay. Even though the average length of stay were not prolonged, it must be plain that, from the differences of fortune to which individuals, acting for themselves, would respectively be liable, the *extremes* of residence

would vary much more from that average than at present, when the gains of so many of the residents are stated salaries, paid by the Company. As there would be more of success, so, also, more of failure; inducing many, under a total destitution of the means of revisiting their native country, to lay their account with a final relinquishment of the expectation. And let a remark be here remembered, which was before made, that, if but a minority settle, colonization will follow.—According to this view of the matter, even the ill success or the slow success of the adventurers, must manifestly tend to bind them to the country; and, as it is self-evident that a free trade, however it might answer on the whole, would produce more numerous instances of individual ill success than the present course of things; thus far, even if in no other light, it must tend to colonization.

The writer of the "Considerations," however, in defence of a contrary opinion, appeals to high authority. "Of the classes which Lord Bacon "enumerates as proper to found a plantation, "there is hardly one that is in the least degree "requisite in India, or who is by any accident "carried thither." *

The name of Lord Bacon has been used in support of almost as many errors as his works were designed to explode. With what justice it is

* Page 127.

quoted on the present occasion, will be seen by a transcription of his own words in the passage evidently alluded to by this writer.

"It is a shameful and unblessed thing, to take "the scum of people and wicked condemned "men to be the people with whom you plant: "and not only so, but it spoileth the plantation; "for they will ever live like rogues, and not fall "to work, but be lazy, and do mischief, and "spend victuals, and be quickly weary, and then "certify over to their country to the discredit of "the plantation. The people wherewith you "plant ought to be gardeners, ploughmen, la- "bourers, smiths, carpenters, joiners, fishermen, "fowlers, with some few apothecaries, surgeons, "cooks, and bakers."*

Of the greater number of the classes here mentioned, it happens that many individuals have already found their way from England to India; and those, as the writer of the "Considerations" justly expresses it, not by any accident, for they went by deliberate predetermination and design. Nor would it be difficult to shew that, if a free ingress were offered, many more, from all the classes in question, would follow the example. But the truth is, that the reference to Lord Bacon is wholly out of place. In the Essay of Plantations, the attention of the illustrious author is exclusively directed to the settlement, under na-

* Essay of Plantations.

tional authority, of waste and uncleared countries, by the allotment of the land among a number of small cultivators. By the very supposition, he was confined to the consideration of colonies erected, and in the most rigid sense, on an agricultural basis. His directions, therefore, apply to a state of things, between which and the case immediately under discussion no analogy can plausibly be pretended.

But, farther, even in the limited view which Lord Bacon takes of the subject, he will scarcely be affirmed to imply that a colony can in no case be successfully framed out of any other materials than those which he has enumerated. That these are the best constituents, he plainly maintains; not, that there are none besides. The very scheme of colonizing with convicts, though he expressly reprobates it as both unblessed and unsafe, he could not intend to represent as absolutely impracticable and imaginary. If he really so intended, it can only be observed that events which, in his days at least, there was no opportunity of knowing, have sufficiently refuted his opinion.

The author of the "Considerations," however, seems not more confident in his appeal to Lord Bacon, than to experience. It is not natural, he gives us to understand, that adventurers, military, civil, and commercial, like the British in India, should be induced to settle in the country. "Ar-
" tificers are not a class on whom population most

" depends."* "Sailors are not a race of men like-
" ly to establish themselves on the coasts of the
" peninsula. How, then, is the colonization to
" take place? *The very idea is repugnant to all*
" *experience*, and to the fixed order in which the
" human species is diffused." † Even if it were true that history supplied no instance in which the classes of persons here described have become colonists, this fact, as has repeatedly been intimated, would prove nothing against the supposition that such an event might take place in a country so singularly circumstanced as British India. But, if it should turn out that history *does* supply such instances, then it will be allowed that we have, *ex abundanti*, an argument in favour of that supposition. The following extract, therefore, from the History of the West-Indies by Mr. Bryan Edwards, is submitted to the reader, as affording some illustrations of "the idea repugnant to experience."

" *The British navy and army likewise contribute*
" *considerably to the augmentation of the white in-*
" *habitants.* Individuals, in both these profes-
" sions, either from the inducement of agreeable
" connections, which it would be strange if many
" of them did not form in a long residence in
" these countries, or captivated by the new pros-
" pects which open to their contemplation, *very*
" *frequently* quit the business of arms, and the

* Considerations, page 129.

† Ibid. page 128.

"dangers of a tempestuous element, and become
"peaceful citizens and *industrious planters*. Next
"to these may be reckoned *the mercantile part of*
"*the inhabitants*: such as factors, store-keepers,
"book-keepers, and clerks; who are followed by
"tradesmen, and *artificers*, of various kinds, such
"as mill-wrights, carpenters, masons, copper-
"smiths, and others; *most of whom, either through*
"*accident or necessity, after some years' residence,*
"*become adventurers in the soil*."*

Our author, however, has discovered another impediment to the colonization of India, which, as he appears to think, would alone prove decisive. It is apparently with reference to this second obstacle, that he pronounces the idea of such colonization "repugnant to the fixed order in which the "human species is diffused." India, it seems, is an *old* and a *full* country. The plantations of the various European states in America "were settle-"ments in waste lands, or in thinly inhabited "districts." "The state of agriculture, the pro-"gress of manufactures, the abounding popula-"lation of India, leave little or nothing for *plan-*"*tation* in any sense of the word." "The faci-"lities to population which *new countries* present "are not to be found in India; the British popu-"lation, therefore, must be kept up by new "adventurers from home, in a degree, perhaps, "beyond what could be wished, for the solidity

* History of the West-Indies, Book iv. Chap. i.

"and permanent defence of our Eastern empire."* More to the same effect might be added from this writer; and his reasoning appears, on the whole, to amount to this; that a country, in which a numerous population is already lodged, employed, and fed, in which the soil is almost universally appropriated and generally cultivated, and in which the various channels of manufacturing labour are mostly filled, cannot be expected, nor, in the natural course of things, is able, to furnish a considerable body of foreigners with habitation, employment, and sustenance.

Allowing this argument all the credit which it assumes, the pertinence of it is not very discernible in the case of India, which, for a long series of years, has systematically furnished with habitation, employment, and sustenance, at least thirty thousand British-born subjects. The question here is not, how an opening shall be made in that quarter for the introduction of a considerable body of foreigners; how a place shall be discovered for them;—the difficulties which such enquiries may be supposed to implicate, time has already solved. An opening has not only been made, but taken advantage of; a place not only has been found, but is occupied; a vast establishment of foreigners, an establishment, permanent in the aggregate, though fleeting in its parts, is actually attached to this *old country*. The only question

* Considerations, pp. 127, 128.

is, why, where space and soil have been thus amply found, the living stock will not take root? why those who have gained a footing in the country, will not form a colony? a question, which is not answered by saying that, where no footing can be gained, no colony can be formed.

Can it, however, be seriously maintained that, even burdened with this addition of foreigners, the population of India amounts to a plethora? It requires surely no very intimate acquaintance with the statistics of that country, to be assured of the contrary. Lord Cornwallis estimated, in the year 1789, that, of the province of Bengal, a province among the most improved throughout the continent, one third part lay completely waste. The position was at that time universally admitted, and, notwithstanding the subsequent progress of cultivation in the province under the auspices of peace and a benignant administration, it probably is still no distant approximation to the truth. At all events, that, in other countries of Hindostan, countries but recently settled, perhaps recently desolated by war, chasms too ample may be found for the introduction of colonists, there cannot possibly exist a doubt. Thus, even in the most vulgar view of this subject, there wants not a conclusive argument against the doctrine, that India, as a fully-peopled territory, will not admit of being colonized.

It shall be confessed, however, that no stress is here intended to be laid on this argument. The

question shall be rested on grounds totally different; and, during the course of the following observations, it may perhaps be made probable that, in occupied countries, the influx of colonists from abroad, is neither materially assisted by the thinness, nor materially obstructed by the density of the subsisting population.

In one sense, every country that is occupied may be considered as fully peopled. Not only are both the land, and that which it produces, *property;* but the amount of the produce, rude and manufactured, is all that, according to their measure of civilization, the inhabitants can raise. In this sense, the common maxim is true, that every country is peopled up to its resources; understanding by that term, not the physical capabilities of the country, but simply its available means under a given state of society. In this sense, even a barbarous region, scantily interspersed with savages, who hunt over it for their subsistence, may be called full. It is full, not only because it is occupied, but because it maintains as great a sum of human life, as, under the hunter system of management, if so paradoxical an expression may be allowed, it is capable of maintaining.

These observations, trite as they may be thought, will serve to expose a fallacy, which the vulgar notions respecting colonization may be suspected of involving. When it is stated that colonies may easily be planted in a thinly-inhabited country, a

confused notion appears to be entertained, that the object is to be effected, by the unresisted occupation, either of some tract of land yet unpossessed, or of some surplus produce yet unappropriated. The original occupants, it seems supposed, having more territory than they turn to advantage, can easily afford room to new settlers. But the occupants of no country, not even the hunters of a forest, can easily afford room to new settlers; and, when they are either compelled or persuaded to admit a foreign colony, the truth is, that they are to a certain extent *displaced*,—that is, they are divested of a part of the soil which previously supplied them with sustenance. Were it conceivable that those hunters should be crowded into the narrowest space physically adequate to their support, without however any diminution of that ignorance and that improvidence which generally disqualify savages for even a pacific contest with civilized intruders, still the facility of planting a colony among them would be very little impaired. The great cause of that facility is, not that the aborigines have ground to spare, but that the simplicity of their nature, or of their habits, renders them an easy prey to encroachment.

A similar distinction applies to every case furnished by history (and there are not a few), in which the original inhabitants of a country have been gradually wormed out by an adventitious population. In all these, the super-induced people

have prevailed, not so much because they could find room, as because they could make it. They had the advantage of the pre-occupants, in some one or more of those qualifications which invest man with power over others of his own species. For the most part, their progress is resolvable into the silent and successive assumptions, either of refinement over comparative barbarism, or of energy and hardihood over comparative feebleness and effeminacy. The accounts of the ancient republics fully exemplify both these milder forms of colonial conquest; and, of the encroachments of civilized knowledge and dexterity, on savage rudeness and ignorance, several memorable instances are afforded by the annals of the transatlantic establishments of modern Europe.

From these premises it appears, what is the true criterion by which the practicability of colonization, in any occupied country, may be estimated. The pretended test, deduced from the proportion between the density of the original population and the resources of the country, is vague, even if it were applicable, and nugatory or false, even if it were determinate. The proportion between the population and the resources of a country can seldom be accurately known; and, where it is adjusted with the utmost nicety, the possibility still remains, that the original people may be displaced. This problem can be correctly solved, only, by a two-fold comparison, between the original people and the colonial speculators; a compa-

rison, first, with regard to their respective proficiency in the arts and habits of civilized life; and next, as to their constitutional vigour, both bodily and mental. That the establishment of an Indo-British colony is, thus far, opposed by no peculiar difficulties, the application of this double rule will shew.

The Hindoos appear, many centuries ago, to have attained a certain moderate pitch of refinement, at which they have ever since been fixed as by congelation. Still, their civil constitution presents the prospect of a solid and arranged, though very incommodious structure. They have acquired stationary habits of life; and these, superadded to what would seem a singular *quiescence* of native character, certainly render them not very easily separable, by fair means, from their paternal possessions. They expend, also, no slight attention on the pursuits of husbandry; and, in some handicraft employments, their expertness and ingenuity are such as can scarcely be rivalled by the artisans even of modern Europe. But, when this is said, all is said. That, on the whole, they equal in civilization even the least improved among the European nations south of the Arctic circle, there seems no great reason to believe; and, undoubtedly they are, by a long interval, behind England. To particularize the obvious defects of their polity would be superfluous, even if it were not digressive. In those departments, the consideration of which more especially falls within the present en-

quiry, the departments of rural and commercial economy, all competent testimonies concur in the representation, that, though they possess a certain practical aptitude, their course of procedure is unscientific, and their mechanics little better than barbarous. The abundance of their grain-harvests is ascribed, far less to their proficiency in the arts of tillage, than to the almost miraculous fertility of their soil, especially in the province of Bengal. The exquisite fineness of some of their fabrics, particularly of their cloths, is owing to what may less properly be called their manufacturing than their manual skill, the result of a suppleness of limb, unexampled among the inhabitants of higher latitudes.

The general state of agriculture and manufactures among the Hindoos is, perhaps, so amply illustrated by no author as by Mr. Colebrooke, in his "Remarks on the Husbandry and Internal "Commerce of Bengal;" and those who desire an acquaintance with the details of the subject, would do well to study that interesting work. Almost every page, however, of the volume bears witness to the defectiveness of Hindoo civilization. Almost every page tends to establish the conclusion that, under the care of European science and intelligence, the produce, both raw and worked, of the country, might be considerably increased. On this ground, the author himself, it must be owned, seems disposed to recommend a relaxation of our present Indian economy, and the freer

admission of European adventure into the lines of Indian husbandry and commerce. Whether his statements do not rather lead, as to many deductions of a different, so to one of an exactly opposite nature, the public must judge; but, in the mean time, his authority, with regard to facts, may be relied on as very considerable.

The inferiority, however, of the natives of Hindostan in the useful arts, is, after all, not so apparent as their inferiority in those faculties, whether bodily or mental, which constitute what may be termed personal efficiency. This circumstance has already been touched upon in the present chapter; but, taken in connexion with the subject immediately under consideration, must be made somewhat more prominent.

The physical frame of a Hindoo is, indeed, distinguished by a pliancy which, as Mr. Orme observes,* enables him to work long in his own degree of labour, and to endure without constraint the contortion of postures that would cramp a native of more northerly regions. It is, besides, habituated to the relaxing severity of a tropical climate. Yet, in muscular vigour, or fitness for irregular exertion, it will not bear the remotest comparison with that of an European. The mental distinction is yet greater. The chief characteristics of the Hindoo appear to be subtilty, industry, and patience; but these, unaccompanied

* Effeminacy of the Inhabitants of Hindostan.

with those robust and masculine qualities, the addition of which can alone render them respectable. His subtilty seldom aspires beyond the conduct of low intrigue, and is totally unequal to the more felicitous inventions and more masterly combinations of European genius. His industry, destitute of enterprize, seems to be inertness, not perseverance. Even his endurance of suffering, surprising as it is, hardly commands admiration; but is mixed with so much servility and cowardice, that it may be accused of resembling, rather that property of resistance by which matter is rendered only the more manageable, than that strength and elasticity of spirit to which, as we are told, "nought is retentive."

Lest this description should be suspected of exaggeration, it may be expedient to confirm it by a citation or two from Mr. Orme. "Southward "of Lahore," says that author, "we see through-"out India a race of men, whose make, physiog-"nomy, and muscular strength, convey ideas of "an effeminacy which surprises, when pursued "through such numbers of the species, and when "compared with the form of the European who is "making the observation. The sailor no sooner "lands on the coast, than nature dictates to him "the full result of this comparison: he brandishes "his stick in sport, and puts fifty Indians to "flight in a moment: confirmed in his contempt "of a pusillanimity and an incapacity of resist-"ance, suggested to him by their physiognomy

" and form, it is well if he recollects that the poor " Indian is still a man. The muscular strength is " still less than might be expected from the ap- " pearance of the texture of his frame. Two En- " glish sawyers have performed in one day the " work of thirty-two Indians: allowances made for " the difference of dexterity, and the advantage of " European instruments, the disparity is still very " great; and would have been more, had the " Indian been obliged to have worked with the " instrument of the European, as he would scarcely " have been able to have wielded it."* In another work, the same author, speaking of the Mussulmans of India, has this remark: " Being dispersed " throughout the vast extent of this empire, their " numbers appear so very small, when compared to " that of the Gentoos, who are all the original " people of the country, that nothing but an " effeminacy and resignation of spirit, not to be " paralleled in the world, could make it conceiv- " able how these can remain subjected to masters " whom they outnumber ten to one."†

Such are the natives of Hindostan; with the exception, indeed, both of the inhabitants of some of the mountains that cross that continent, and also of the resident Mahomedans: but these exceptions are inconsiderable. That the pre-occupancy of the country by the race which has been

* Effeminacy of the Inhabitants of Hindostan.

† Government and People of Hindostan, Book II. Ch. I.

described should present any effectual barrier to the entrance of an European colony, it is difficult to conceive. Can it, for a moment, be doubted, that a British capitalist, devoting to any line of employment whatever, in Bengal, the knowledge and the spirit characteristic of his country, united with extensive local experience, would prevail over the utmost rivalry of Hindoo competitors? or, if he rather chose to embark in agricultural speculation, is the event in any degree problematical? If these questions must be answered in the negative, then it yet remains to be explained, why, of the numerous British population domesticated in the East-Indies, no part becomes a colony. That, on every known principle of human nature, some members of that body must feel an inclination to colonize, has before been shewn; and it has now been shewn, that all or most have the opportunity. In the ordinary course of things, we should have expected that, throughout the continent, the ascendancy of European mind would insensibly, more and more, appropriate all the conspicuous stations: it is not meant in *power*, for these they have already gained by their political pre-eminence; but, besides these, in wealth, property, and local influence. We should have expected, at the same time, that the natives would universally be settling down into those posts of obscure drudgery, in which nothing more was required than an adroitness purely mechanical, a convenient obsequious-

ness, a constitutional tolerance of the climate, or a merely mean and servile diligence.

A celebrated philosopher has amused himself with the imagination, that there were "a species "of creatures intermingled with men, which, "though rational, were possessed of such inferior "strength, both of body and mind, that they were "incapable of all resistance, and could never, "upon the highest provocation, make us feel the "effects of their resentment." With respect to this feigned race of beings, he makes, among others, the following observation; "Our inter-"course with them could not be called society, "which supposes a degree of equality; but *abso-" "lute command on the one side, and servile obedience" "on the other*."* To pretend that the intermingled races in Hindostan realize this fictitious case, would be to deal in very extravagant caricature; but neither is such an exact resemblance between the two cases at all requisite to the argument. It is enough to remark that, in the speculative opinion of a very sagacious observer of human nature, if a close intercourse subsists between two races widely distinct from each other, the scale of precedency will, in every single instance, inevitably be regulated by that of physical and mental superiority. "Absolute command," however, draws after it property; and, in

* Hume's Enquiry concerning the Principles of Morals, Sect. iii.

this state of things, the masters, having the one, will not be long in gaining hold of the other.

Those, then, who, on the ground that India has its full complement of inhabitants, deny the possibility of establishing an Indo-British colony, may be charged with overlooking, as a critic in the Edinburgh Review truly remarks, "the superior "energy of the European character, and that "surest magic, the ascendancy of strong minds "over weak ones."* It is observed in another part of this popular journal,—and the observation deserves attention, as proceeding from an author who, if either common fame, or the internal evidence of his composition, may be trusted, possesses a considerable local acquaintance with his subject, —that, but for the prohibition imposed on all Europeans, of purchasing or farming land in India, "one-half of the lands of Bengal would, ere this, "have become the property of Englishmen, and "the natives would have been strangers on their "own soil."† The truth is, that the shades of greater or less strength, which discriminate the national characters of the diversified population of Europe, present no parallel to the great inequality which separates all these from that of the Hindoos. This consideration, alone, might afford a sufficiently conclusive answer, even were there not many others, to a sufficiently simple question

* Edinburgh Review, No. XXII. † Ibid. No. XIX.

which has been raised on the subject,—namely, why the artificers, agents, brokers, clerks, and other persons of a similar description, who may resort to India, should be more likely to form a colony, than the Englishmen who, for commercial purposes, repair to Bourdeaux, Leghorn, or Cadiz? When we contend, indeed, that "the abounding "population of India" must operate as a decisive exclusion to English colonists, it is nearly as if we should assert the impracticability of pouring mercury into a vessel full of water.

The general authority of Dr. Adam Smith is not disparaged by intimating that it cannot be regarded as conclusive on a point involving the peculiarities of the Hindoo character. Those, however, who think otherwise, should know that Dr. Smith not only implies distinctly the feasibility of colonization in India, but apparently refers to the displacing of the natives as to the mode in which this event might be brought about, if not, indeed, as to a condition on which it depended. "In Africa and the East-Indies, there-"fore, (he observes) it was more difficult to dis-"place the natives, and to extend the European "plantations over the greater part of the lands of "the original inhabitants. The genius of exclu-"sive companies, besides, is unfavourable, it has "already been observed, to the growth of new "colonies, and has, probably, been the *principal* "cause of the little progress which they have "made in the East-Indies." From these words it

seems not unfair to elicit the plain proposition that, in the opinion of Dr. Smith, the difficulty of supplanting the natives of Hindostan, though it has, in some degree, concurred to prevent the colonization of that country from Europe, yet, of itself, would by no means have proved an unconquerable hindrance.

The truth is, that a certain proportion of the natives has already been supplanted; otherwise, the British establishment, now systematically existent in the country, could have found no place. To a superficial observer, if, on the one hand, it may seem wonderful that the *displacing* thus already effected should not instantly be followed by colonization, it must, on the other, be equally surprising that it should not be followed by a farther displacing, undertaken for the very purpose of colonization. Some, it might naturally be conjectured, would finally content themselves with the situations which they had found; others, either less satisfied, or recent from Europe and yet unprovided, would seek out new situations in the midst of the natives, and ultimately at their expense. Certainly, none of these suppositions, considered in itself, involves the smallest difficulty.

After all that has been said, could any doubts still remain respecting the question under discussion, there is yet behind an argument, which might singly set the whole of it at rest;—the evidence of fact. The most thickly inhabited

parts of India *have actually* found room for colonies of foreigners, and those, too, mercantile colonies. Of this assertion, the Moorish or Tartar population, which is now naturalized in Hindostan, and which, as Orme says, "if collected together, would form a very populous nation," might alone furnish a decisive instance. Unquestionably, the early settlers of this race were not so properly colonists as conquerors, who cleared out to themselves a dwelling-place by the sharpness of their swords; but it is perfectly notorious that, subsequently to those original irruptions, a pacific influx of adventurers, of the same origin, and many of them engaged in the pursuits of commerce, has constantly set towards the same quarter, and has, in some way or other, contrived to dispose of itself. The settlement of the Arabs, both on the Malabar coast and on the shores of the Indian Archipelago, supply another example equally strong. Should any exception, however, be taken to these precedents, there can be none to that of the descendants of the Portuguese, who are at this moment subsisting in Hindostan. Debased as this order of persons now is, it is numerous, and, whatever conclusions speculative reasoning may establish, presents to us the spectacle of an actual Indo-European colony, formed on a mercantile basis; that is, of a monster which, we are told, can never exist. The Portuguese settlement at Goa, observes Dr. Smith, *though much depressed by superstition and every sort of*

bad government, yet bears some faint resemblance to the colonies of America. Had this colony been founded subsequently to the promulgation of the arguments which have been brought to prove that no such establishment can take place, it must surely have been allowed that all those reasonings had received a decisive practical refutation. As matters are, the only difference is, that the plantation of the colony preceded the promulgation of the arguments, and that, therefore, in addition to the lessons otherwise deducible from the fact, it leaves us to admire the mingled ignorance and temerity of those who could peremptorily pronounce that to be impossible, which was universally known to have happened.

Of the extraordinary fact, therefore, that the systematic residence, in India, of a large body of the natives of Great-Britain, has not resulted in a colonial settlement, some better account must be given than can be supplied by a reference merely to the general circumstances of the two countries, or to the general nature of the intercourse which they maintain; nor was it without reason that Dr. Smith sought for an explanation of the phenomenon in the peculiarities of the mode of connexion established between them. The principal cause of it he states to be, "the "genius of an exclusive company;" and, suspending for the present all notice of the censure apparently implied in the expression, and avoiding here all discussion respecting the general cha-

racter of exclusive companies, the *genius of our East-Indian system* may probably, with safety, be pronounced to be not only the principal, but the sole cause of it. An analysis of the system in this particular point of view, will, it is hoped, set the matter in a clear light.

The obstacles which the genius of this system offers to colonization, may perhaps be classed under six different heads.

First; No passage to India is allowed on board the ships of the Company, without the Company's special license; and their licenses are, for the most part, exclusively conferred on their own servants, on a limited number of *free merchants* and *free mariners*, on a few members of the learned professions, and on those who may be immediately attached to the household of any of these persons. By means of foreign vessels, indeed, a British subject may repair to India, but, if found there without a license, he is liable instantly to be sent home; and, although this regulation is not enforced with unrelenting rigour, yet it cannot be doubted that the twofold restriction thus imposed, first on an ingress into the country, and then on a residence in it, tends to exclude from it numerous adventurers who might otherwise be impelled thither by ardent hopes, a shattered fortune, or a broken character. The resort, however, to India, of such adventurers would increase the chance of colonization; first, because, in some degree, that chance must be as the number of the British resi-

dents in that country; and next, because the persons in question, from their habits or circumstances, might, more easily than the majority of those who now go out, be induced to forget or renounce their native land.

Secondly; It is sufficient barely to mention, what has already been alluded to, the exclusion of all British subjects in Hindostan from the possession or cultivation of land; a provision, obviously, directly, and powerfully, hostile to colonization. This celebrated rule was not, as has been supposed, established by an act of parliament; nor does it any where exist in the shape of a formal ordinance, although it is partly recognized in the regulation which prohibits collectors of revenue from farming lands to Europeans, and from accepting of an European as a security for a farmer. The rule, however, was, upwards of forty years ago, laid down in the orders of the Company to their governments abroad; and, although since that period modifications of it have occasionally been permitted in particular instances, it, on the whole, still continues in full force and authority.

Thirdly; We may place in a distinct class, a *joint* effect indirectly but inevitably produced by the two circumstances already enumerated, the one, the restriction of all the most lucrative and respectable lines of employment in India to certain persons appointed or licensed by the Company, the other, the incapacity of all British sub-

jects to hold or farm land. In consequence of this double limitation, a British resident there is entirely precluded from bequeathing, as it were, to his children, his own profession and place in society, and, in a great measure, even from providing for them in the country. On the supposition that they are to be disposed of in England, it is necessary, not only that they should be early sent thither, but that he should use every method to maintain a strong English interest and connexion; for this purpose, even his personal presence may probably be requisite, and, if he would oversee the launch of his family into life, it is indispensable. Scarcely less necessary are both his interest and his presence, even if he is to procure for his children situations in India, because the appointments are given in England, and those who are on the spot to make the claim have an advantage. Thus all his family feelings center in England; to England he sends his children at a very tender age; and to England he generally hastens himself, so soon as, for his rank, he has acquired a comfortable sufficiency. Colonization in this case cannot easily come to pass, one of the main roots of it being, in every successive generation, broken off. The grand link between the love of self and the love of the community,—the link of the domestic affections,—attaches such a man not to India but to England; and he can hardly be said even to live in the land of his residence, while the second and younger life which

he enjoys in his descendants is bound up in a distant country.

Fourthly; The Company inflexibly exclude from their regular service, both civil and military, the mixed offspring of Indian and European parents. Had they not early adopted and steadily adhered to this resolution, the probability certainly is that a large proportion of their servants would long since have been of the class in question. Whether this circumstance would, in its direct effect, have tended to colonization, may perhaps admit of some doubt; as it would be in nature for persons of the description mentioned, rather to affect English affinities, and to claim for themselves the country of their nobler descent. Indirectly, however, it would be the obvious tendency of such a state of things, by accrediting the sort of connexion in which the mixed race originates, and by proportionably reducing the value of alliances purely European, to loosen one among the holds by which Englishmen in the East are attached to Europe. And the same consequences, it may be conjectured, would follow, if, by the abolition of the Company, or by any other means whatever, all the prizes in British India, whether of fortune, or of place, were laid open indiscriminately to candidates both of the pure and of the mixed blood.

Fifthly; By the statute of the 21st George the Third, cap. 65, it is not lawful for any British subject, in the service of the United Company, or

licensed by them to proceed to India, "to reside "in any other place in India than in one of the "principal settlements belonging to the said Unit-"ed Company, or within ten miles of such prin-"cipal settlement, without the special license of "the said United Company, or of the President "or Governor and Council of such principal set-"tlement, in writing first had and obtained;" nor to reside beyond the assigned limits for any longer time than shall be specified in the licenses thus procured. Were British subjects suffered to disperse themselves at pleasure throughout the vast extent of India, a separation from the society of their countrymen might have the effect of altogether weaning them from English habits and recollections; and, at the same time, remoteness from the seat of government would enable them to evade without difficulty such of the regulations inimical to colonization as require to be enforced by the local authorities. In both ways, therefore, many of them might insensibly be led to settle themselves in the country; and this propensity, in both ways, the legislative clause which has been cited tends to counteract, by collecting them together in large masses, and by keeping these masses perpetually under the eye of the government.

Sixthly; In addition to the preventives that have been enumerated, we may perhaps class together in one division several rules of cautious policy framed and followed by the Company, with

an express view to the repression of a colonizing spirit among the British inhabitants of India, but which, in this place, it is not necessary minutely to detail. Of this description are, the indisposition which the Company have often shewn to the systematic admission of private ships built in India, into the Indian trade with Europe; the jealousy with which they have viewed what is called the *private or privilege trade*; their confessed objection against the principle of exporting British capital to India; with other particulars of a like nature. These subjects it is not intended here to discuss. The only remark which shall be offered on them is, that though it may have been doubted whether the Company have not evinced an excessive prudence in these respects, that prudence has, beyond all doubt, operated in direct opposition to colonization. Their precautions were possibly superfluous, but the tendency of them at least is unquestionable.

Such are the provisions and regulations by which it would seem that, under the present system of Indian policy, the British residents in the East are prevented from there striking root; and, when it is considered that these rules exist, not on parchment merely, but in actual authority and exercise, it probably will not appear strange that they fully produce the effect described. But whether any thing short of these would fully produce the same effect, is a question of very difficult determination. On such questions, nothing like demon-

stration is to be obtained; reason, however, and observation would perhaps lead us to a medium amidst the extravagant opinions held by the opponents of the present system; of whom, as was before observed, some contend that the colonization of India is actually in progress, notwithstanding all the difficulties opposed to it, and others that it could never take place, even were all those difficulties removed. In fact, it is not taking place, and, as long as the present system continues unimpaired, hardly can do so; yet faint beginnings of it may here and there be discovered, and the tendency to it must, on all general principles, be so strong, that, in the event of any material relaxation of the present system, those beginnings would probably soon assume a decisive shape.

It has been intimated, however, that, as long as the two regulations remain in force together, by the one of which British subjects are forbidden, without the special permission of government, to exceed the distance of ten miles from the presidencies, and by the other are prevented from acquiring any interest in land, so long the barrier against colonization is complete. On this topic, the following observations extracted from an unpublished tract of which the author has been allowed to avail himself, appear equally just and forcible. " Provisions more wise and salutary " were never made, and, so long as individuals " remain within the bounds of controul, those pro-

"visions may effectually prevent the evils of colo-
"nization. But of what avail is the law against a
"numerous, a wealthy, and an enterprizing body?
"The English statute-book is loaded with acts of
"parliament to prevent alienations to the clergy in
"mortmain. Yet, at those periods when the
"clergy were possessed of great influence and
"power, the efforts of the legislature were in vain
"employed to withhold the real property of the
"kingdom from the grasp of ecclesiastical domi-
"nion. Each new provision only gave rise to
"some new device for its evasion; and, under va-
"rious pretexts, the acquisitions of the clergy
"continued to increase, until the reformation, by
"destroying their power, brought them under the
"controul of the law. How little respect the
"merchants in India are disposed to pay to legal
"obligations, and with what impunity the viola-
"tion of them is attended, has been strikingly
"exemplified in the clandestine trade. Will they
"be less scrupulous of resorting to shifts for
"evading the spirit of the law, than were for-
"merly the clergy of England?"

On the other hand, we have already seen that, in the judgment of a very intelligent and well-informed author, the simply permitting Europeans to purchase and farm land in India, all other things remaining the same, would of itself, in no long time, transfer a great part of the property of the soil to British hands; a state of things, it will be granted, much akin to colonization even in the

narrowest sense of the term. The opinion seems sufficiently probable; and, perhaps, the removal of any one of the restrictions which have been detailed, might by another route terminate in the same result. For it may be laid down as an axiom, that whatever facilitates the formation of a *hereditary* European interest in Hindostan, must also, and in the same degree, increase the gravitation, already powerful, of the European residents towards the colonial system. In applying this principle to the various parts, already enumerated, of the restrictive policy of the Company, many interesting points of enquiry might be started; but it will be expedient that these should be adjourned, to make room for another, the decision of which may perhaps, in effect, dispose of them all. The great question, *Is then the colonization of India an evil?* must long since have occurred to the reader; and it is plain that the answer to this question may render superfluous any enquiry into the less or the more of restriction required, to preclude that event from taking place. It may turn out that the event is one, highly desirable; and, in that case, to talk of taking precautions against it, is to commit an absurdity in terms. It may prove, on the other hand, that the event is such as cannot be too earnestly deprecated; and nothing, in that case, could be less wise, than to pare down our precautions to the *minimum* that might appear effectual.

The quietest mode in which we can imagine the

colonization of India to begin is, without supposing any new and extraordinary influx of Europeans, to imagine that every individual, already resident in the country, should be allowed to take root in his actual position; that is, to train up his children in his own profession or some other local employment of a mercantile nature. It certainly would not commence exclusively, perhaps not even principally in this way, if full liberty were given; but, if allowed no other opportunity than this, it would rather begin thus than not at all. In the case supposed, the transition would be made without any violent shock; but it is manifest that a thriving community like this could not fail to increase in number. Even thus alone, it would soon be found to encroach on the natives; and the encroachment, when it commenced, might be expected to proceed. Indeed, in whatever manner we suppose the colony to set out, it will probably go on expanding, so long as the character of the colonists does not sensibly degenerate. The more the resources of the country fall into their hands, the better will they be qualified to win what they have not yet appropriated. The advantage already achieved, like strong positions gained in a hostile country, will assist their farther advancement.

When it is considered that the system of colonization must thus result in the progressive extrusion of the natives from their hereditary possessions, the character of that system can no longer be

dubious. Few things, indeed, are more surprising than to find it urged, or at least implied, by Dr. Smith, as a matter of crimination against the genius of exclusive companies, that, but for them, the Indian population would ere this have been displaced, and the European plantations extended over the greater part of the lands of the original inhabitants. For so much surely is conveyed in the following sentence: "In Africa and the East-"Indies, therefore, it was more difficult to dis-"place the natives, and to extend the European "plantations over the greater part of the lands of "the original inhabitants. The genius of exclu-"sive companies, besides, is unfavourable, it has "already been observed, to the growth of new "colonies, and has probably been the principal "cause of the little progress which they have "made in the East-Indies."* If colonization supposes the displacing of the natives, and if exclusive companies be reprehensible as the principal obstacle to colonization, it follows that they are reprehensible as the principal obstacle to the displacing of the natives.

The same sentiment may, without violence of construction, be extracted from the account which Dr. Smith gives of the Dutch settlement at the Cape of Good Hope. "The Dutch settlements "at the Cape of Good Hope and at Batavia, are "at present the most considerable colonies which

* Book IV. Chap. vii. Part 2.

" the Europeans have established, either in Africa " or in the East-Indies, and both are peculiarly " fortunate in their situation. The Cape of Good " Hope was inhabited by a race of people almost " as barbarous, and quite as incapable of defend- " ing themselves, as the natives of America. It " is besides the half-way house, if we may say so, " between Europe and the East-Indies, at which " almost every European ship makes some stay, " both in going and returning. The supplying of " those ships with every sort of fresh provisions, " with fruit, and sometimes with wine, affords " alone a very extensive market for the surplus " produce of the colonists."* After describing the parallel advantage possessed by Batavia, as being the touching place between India and China, and the center of the Indian country-trade, the author thus proceeds. " Such advantageous situ- " ations have enabled those two colonies to sur- " mount all the obstacles which the oppressive " genius of an exclusive company may have occa- " sionally opposed to their growth."

But, if exemption from the oppressive tutelage of an exclusive company only enables the new settlers in a country to oppress the original inhabitants, it may be a question, why the system of exclusive companies, which thus protects those inhabitants, whether designedly or not, from the most abominable injustice, should be stigmatized

* Book IV. Chap. vii. Part 2.

as deserving only the hatred or contempt of mankind. Nothing surely but prejudice could have rendered Dr. Smith unaware of the compliment on exclusive companies, obviously implied in his own statement. His humanity is too clearly discoverable in various parts of his writings, to be called into doubt; and, indeed, he elsewhere reprobates the Dutch India Company for their cruel policy in reducing, "by different acts of oppression," the population of the Moluccas. But he could not endure the genius of exclusive companies, whether employed in the work of destruction, or in that of preservation.

Were it indeed required to name the principal characteristics of the present Indian system, the narrowest selection that could be made of them would undoubtedly include this quality, that it saves the natives from being displaced, and, so far only as for this end is indispensably necessary, *oppresses* (if the word must be used) the British residents. That the protection which it affords to the supine passiveness of the native people against the domineering activity of European adventurers, is not the accidental but the intended, and, so to speak, studied effect of the system, the details which have been already given on the subject in this chapter, incontestably prove. It may from those details be seen that energies which, perhaps, under proper direction, might almost have sufficed to displace a considerable part of the population of Gangetic Hindostan, or to convert half the

empire of China into a "numerous and thriving" British colony, have been employed on a purpose diametrically opposite;—in erecting, throughout the dominions of the Company, barriers against that prodigious "wealth and greatness," to which, as Dr. Smith observes, a new colony may grow up by the simple event of "the natives easily giving "place to new settlers."* Such, beyond controversy, is the genius of the established system; and it seems little less apparent that, were this system superseded, a very different genius would be likely to animate its successor.

Without any farther reference to the manner in which an European colony might be expected to grow up, it will now be proper to consider what effects would follow, on the situation of the natives, after the colonial establishment should have been fully formed. Perhaps, indeed, the two subjects are more nearly connected than may at first sight appear; but it is not necessary to mingle them together.

Nothing can be anticipated with more certainty respecting an European colony in India, than that, for a very long course of time at least, it would continue divided by the strongest marks of distinction from the original inhabitants.

Of that portion of the colonists, whose blood should be purely European, whether we suppose them to be of creole or of European birth, it is

* Book IV. Chap. vii. Part 2.

almost needless to remark this circumstance. The difference, in this case, arising from diversity of colour, genius, manners, opinions, and institutions, must be confirmed by the essential incompatibility between political authority and political subjection, and by the influence, on both sides, of hereditary feelings and recollections which neither would renounce and which could not be reconciled. The purely European and the purely Indian population, therefore, must ever, or at least for centuries, remain, as now,

> " ——— by Nature's hand disjoin'd,
> " Gods, fates, oppos'd, but more the adverse mind."

We must, however, presume the existence of a numerous mixed order; and it may be supposed that, by means of intermediate varieties, the European race would shade off, not in colour only, but in all other points of difference, into the Indian, so far as to form with it one entire aggregate. This supposition is wholly improbable. It would be a tedious as well as an unprofitable exercise of the imagination, to be busying ourselves with minute conjectures what would be the political arrangement of the Indo-European colony; how far, that is, there would be established, as in the American colonies, gradations of privilege corresponding with the gradations of race. But, in general, we may assume it as an unquestionable truth, that, throughout all those gradations of race and

privilege, there would be a prevailing disposition to cling by the European rather than the Indian lineage. The ground of this idea is, not so much that the really nobler descent would naturally be preferred, as that the mixed blood would, almost universally, be connected with the European by the side of the father, with the Indian by that of the mother; for it is consonant both with nature and with experience, to believe that the offspring will generally follow the paternal descent. It cannot be imagined that European women would intermarry with the original natives. In the first place, the probability is that, so far as the colonial population was immediately imported from the mother country, the number of females would be disproportionately small. In the next, the cruel confinement habitually imposed on the tenants of an Oriental haram, and the obvious degradation incurred by such an union, even in the most honorable form of which it was capable, could be expected to inspire the generality of European women only with sentiments of horror and disgust. Nearly the same causes must operate on the women of colour, since, by what has already been observed, these would generally be descended of European fathers, and of course educated in the European manner and with European prejudices. On the whole, therefore, the colony would not melt away by degrees into the native population. It would, from first to last, be distinct and separate. We may even conjecture that those of the mixed order,

who were the least removed from the pure Indian blood, would be the most anxious to assert and to presume on their European descent; that the claim would be then most sedulously enforced when it was the least palpable; and such certainly is found to be the case among the Mulatto race in the West Indies.

Although the colonial character would not, in energy, absolutely rival the British, it might be expected greatly to surpass, in that quality, the character of the original inhabitants, even inclusively of the Mahomedans. The contrary opinion has indeed been maintained; but it appears to proceed, either on a very hyperbolical estimate of the influence of climate on the human system, or on a purely fanciful analogy deduced from the remnants of the colonies planted in India by the Portuguese. The heat of a tropical climate, debilitating as it is, could scarcely have dissolved the Hindoo race into their present effeminacy, had it not been aided by two moral agents of the most powerful operation, civil and religious tyranny. Even thus assisted, it could not have produced the effect, excepting in a long course of centuries. The heat of a tropical climate has not debased the European creoles in Spanish America to a level with the original people. Nor does there seem any adequate reason for believing that the quantity of British mind collected in the colony here supposed, sheltered, as it would be, by the fences of equal laws, and refreshed by frequent

infusions of new spirit and genius from Europe, should evaporate from the exclusive effect of physical causes. Of the Portuguese colonies in India, it might suffice to observe that, "depressed," as they are, to use the expression of Dr. Smith, "by superstition and every sort of bad government," they no more afford a standard of conjecture with respect to the probable state of a British colony established in the same country, than Portugal would afford a standard of judgment with regard to the character and manners prevalent in Great Britain. Yet even the description of Dr. Smith applies only to Goa; and it is not from Goa that the English notions of an Indo-Portuguese colony are deduced, but from the Portuguese of colour scattered over our own provinces; a tribe of persons, immemorially severed from their original country, humbled at the same time to the extreme of political debasement, and who have therefore, for the most part, assumed, through the mere force of circumstances, that rank *below cast* in which the ritual of the Hindoo faith classes all professors of a different creed. The idea of a parallelism between these miserable remains of a colonial settlement, and a living colony of British derivation, must surely require almost as strong an effort of the imagination, as it would cost to mistake some stagnant backwater left by the overflow of a spring-tide, for an arm of the sea.

But, if it be truly presumed that the colonial

character, in comparison with the Indian, would little degenerate, then, considering the deep line of division that must ever separate the two races, it becomes a very interesting question, what would probably be the terms of their mutual intercourse.

It has before been observed that, under the present system of Indian polity, these two orders of men are held in a species of moral balance. The stays, also, or supports by which this moral balance is sustained, have been pointed out. They are, the *gradual training* which familiarizes the British residents to the peculiar customs and manners of the natives; the authority of the local executive government; the tribunals of the Supreme Courts of Judicature, and of the parallel Court of the Recorder in Bombay; the reflexion of public opinion from England to India. With respect to the first of these props, it must be owned that the very situation of the colonists would naturally do for them that which is, at present, effected only by a complex system of legislative contrivances. Accustomed from their infancy to the usages and institutions of the country, they would be apt to survey them rather with a settled and tranquil disdain, than with that broad contempt which is excited by the sight of ridiculous novelty; and, as this disdain would be not an impulse but a sentiment, it might probably be on the whole governed by prudence, and seldom permitted to break out into direct outrage. Yet

such a prudential reserve would, perhaps, prove of no real advantage to the Indian. Even under the tyranny of the Mahomedan dynasties in India, if we except the persecuting barbarities of Aurengzebe, a certain respect was paid to the religious peculiarities of the Hindoos, a respect, not indeed perfect or uniform, but yet disproportionately great, when compared with the other features of the Mussulman dominion. The conquerors had learned that this was the only pulse in the composition of a Hindoo which seemed alive to an instinct of honor, the single nerve that could vibrate with a feeling of national resentment, and therefore, by a cruel and cowardly toleration, they spared their subjects in this one point that, in every other, they might lacerate them with impunity. That the humanity which the British in India habitually exercise towards the native population, should ever degenerate into such an extreme of malicious mercy, is scarcely conceivable; but the example given makes so much at least evident, that the maintenance of religious toleration towards the natives would avail them little, unless it were connected with a general system of forbearance, and courtesy. It becomes, therefore, necessary to enquire what, in this particular, would be the effect of colonization.

To settle this matter, we must fix our eyes on the grand and fundamental point in which the colonial system would, with respect to India, be an innovation on that of the Company.—*It would*

create an Indo-British Public. Nothing now exists to which we could, with any correctness, affix that appellation. British India has no separate political existence, or distinct vitality; and, in strictness, is not so properly an offspring of this country, as a limb. For the most part, the British residents in that quarter, having passed their infancy in Britain, trusting to revisit it, always maintaining with it a close personal connexion, and, if they are in the service, feeling themselves more and more responsible to it as they advance, are never effectually expatriated. On all general points, they catch the reflected feelings of the British public; to that public they wish ultimately to commit their fame and character; that, in short, is *their* public, and again, to each other, they are as parts of that public. On this communication with the ruling state, the efficiency of our Indian system in no ordinary degree depends, and the merit of a great part of the measures which have been progressively adopted for the improvement of that system, has consisted entirely in their having contributed to multiply and secure the means of the intercourse in question. This is the principal key to the phenomenon of a body of men, promiscuously chosen, conveyed to a remote part of the globe, and endowed with an authority the most invidious over a race the most unresisting; yet almost uniformly acquitting themselves with equal wisdom and delicacy;—almost uniformly exercising in acts or

scrupulous justice or enlarged benevolence, a power which all the conspiring suggestions of selfishness, pride, and passion, must perpetually be tempting them to abuse. Such an effect has been accomplished only by furnishing to this body a sure channel of sympathy with the parent people, so that their virtues, if the expression may be allowed, always rise to the British level. It has been produced by drawing them within the effectual controul of an authority, which is placed at a sufficient elevation to command a view of both hemispheres, and to discern the ultimate confluence of its interests and its duties.

It does not follow that, if a local public were created in India, this situation of things would continue; and there is much reason for suspecting the contrary. It has often been observed that the popular taste and prejudices which prevail in most of our West-Indian colonies, not only do not exactly coincide with the taste and prejudices of the people of England, but are, in many respects, entirely dissonant from them; and this has been particularly remarked of Barbadoes, where there is a pretty numerous commonalty of British and semi-British creoles. The contempt with which these persons regard the purely negro population, is profound; and, though it does not so frequently result in acts of flagrant cruelty as has sometimes been pretended, yet it unquestionably occasions a partial insensibility of nature, which to a British mind seems unaccountable. In Barbadoes,

in the year 1804, a drunken soldier wantonly bayonetted a negro-woman who happened to be walking along the public road. The report of this and some other murders equally barbarous, which occurred about the same time, having come to the ears of the governor, Lord Seaforth, that nobleman exerted himself to bring the offenders to justice. In a letter which Lord Seaforth addressed on the subject to the British Secretary of State, and which was afterwards, among other papers, presented to the House of Commons, the following remarkable declaration is found: "the "truth is, that *nothing has given me more trouble* "*to get to the bottom of than these businesses, so* "*horridly absurd are the prejudices of the people.*" Yet these persons, so lamentably bigotted, own a mother-country, in which, whenever the slightest hint transpires of some unprovoked cruelty inflicted on helpless wretchedness, furious mobs assemble, and not only are the efforts of a very vigilant police anticipated by the avenging activity of the populace, but the law itself, all-powerful as it is, can scarcely protect its prisoners from falling instant victims to a licentious and terrible justice. This instance, and the remark applies more or less to all our West-Indian settlements, is extremely curious; not merely as it exemplifies the mental independence of a colonial public, but also because of the particular point in which that independence is shewn. It is shewn in the habitual feelings and sentiments of the colonists

towards a race of human beings, with whom they are mixed, yet not incorporated, and whom they regard as, in every sense, prodigiously their inferiors.

The Hindoos, indeed, would not be, like the negroes, personally slaves; and the difference between personal and political servitude, according to an observation of Mr. Fox, is great and radical. We may suppose, also, the case of the Indo-British colonies to be peculiar in these two other respects; that they should have no colonial legislature, the local legislative power being appropriated to the royal viceroy and his cabinet; and that the task of dispensing justice between British subjects and the Hindoos, should continue vested, where it resides at present, in tribunals and advocates appointed immediately from England. Still the feebleness and timidity of the Hindoo confer on the Englishman a moral superiority, which does not differ in kind, though it greatly differs in degree, from the dominion of a personal master, and which, unless subjected to powerful restraints, is not perhaps less susceptible of abuse. Nor can it be pretended that the purest administration of public justice would, of itself, afford an adequate remedy. *De minimis non curat lex.* There are a thousand insults and injuries which elude the ponderous hand of the law. Moral crimes are committed, which are not illegalities; and illegalities, which yet want legal proof. To an individual of humble condition, the

hazard and expense of litigation are serious inconveniencies; it is somewhat more than an inconvenience to contend, even with the advantage of a good cause, against the rich and the great, perhaps against the dispensers of his livelihood. Exclusively of all these obstacles, the mere act of preferring an appeal to public justice, in the face of frowning power or clamouring prejudice, requires a certain stoutness and courage entirely foreign from the prostrate spirit of a Hindoo; and, were even this difficulty surmounted, he would probably still have that of relying on witnesses, whose less hardy nature was perfectly open to the impressions both of fear and of favour. In short, the old adage would hold in this instance, that *laws are impotent without manners*, without the manners, that is, of the majority; and, in political communities, the effective majority is that of weight, not of number.

It has here been supposed that the administration of justice between the colonists and the natives, being supplied directly from the mother-country, would be utterly undebased by the bigotry of the local public; but would it be preposterous to raise a doubt even on this point? Shall we suppose it impossible, even of the most elevated tribunal, that, perpetually situated amidst the ascending fumes of popular prejudice, it should at length contract a taint of impurity? Or must we, in this single instance, expect a standing exception to the rule, otherwise of universal autho-

rity, that public opinion exercises an immense influence on the course of public justice?

Undoubtedly, legal functionaries deputed from England would so far stand in the situation occupied by the British residents under the present system, that, bred in England, intending to return thither, and habitually holding communication with it, they would, to this extent, regard it as their only country; as the country, if the expression may be allowed, not only of their hopes and affections, but also of their moral feelings.

The difference, however, is that, under the present system, *all* are of this sentiment. The general opinion in India is attuned to the general opinion at home, or rather, is identified with it. The ambition, on the one hand, which naturally inspires the resident, of gaining the approbation of his country, and, on the other, the desire which naturally actuates every man, of being approved and countenanced by the society in which he lives, instead of opposing each other, here flow in one common channel. A change in these respects would be no immaterial change. However we may reverence, in this country, the professional honor of our judicatures, and too much it cannot be reverenced, we must remember that it has the aid of every motive which can be furnished by the universal prevalence of a bias in favour of justice. In the case now supposed, the tide would invariably set in a different, if not a contrary, direction; and it appears extravagant to presume that, in a

course of years, it should not be productive of some effect. The attraction exerted on the mind of a judge or an advocate by public opinion at home, must, from the distance at which it acted, be held in check by the gravitation, though in itself less strong, to the uniform antipathies or prepossessions of the minds with which he was daily conversant. Men cannot constantly wear armour; and find it easier to undergo some one signal sacrifice, than to maintain a constant war of petty resistances against the tyranny of custom. Even the attempt to accommodate surrounding prejudice in the mere article of manner, insensibly betrays into more essential compromises. Exclusively of the tendency to such compliances as are purely conventional or submitted to for the sake of peace, there is an imitative or sympathetic propensity natural to mankind, of which the chances are, that it makes any one individual think as well as act with the majority of his ordinary associates. The bare reiteration, if it be incessant, of a particular set of sentiments, by familiarizing with them the ear, gradually infixes them on the understanding; for it is hard to define the boundary between strong impression and belief. He who imagines that the combined operation of these several circumstances would, in the instance under consideration, prove wholly ineffective, may be offering, perhaps, a high compliment to the firmness of human nature, but assuredly pays a very low one to the influence of human society.

Even this, however, will not suffice, unless we are disposed to include within our confidence the jury as well as the judge. The juries in the West-Indies consist of whites; and their partiality and untractableness in all cases in which whites are committed against negroes, are well known. In the same manner, the juries in the Supreme Courts of Indian judicature, are composed of British subjects; the reasons on which this practice is founded, have before been given; but it is easy to perceive what the practice, now innoxious, and perhaps even salutary, to the Hindoo, would become under the new system proposed. It is certainly not very conceivable that a Hindoo, prosecuting an European, should receive a fair hearing from a jury of low, narrow-minded, creole householders, such as a colony would assuredly produce. And in what manner shall the evil be remedied? Shall we constitute the juries *de medietate linguæ*, as it is called? Would the colonists tolerate such an arrangement? Would they endure, for example, that a British settler, indicted for the ill-treatment of his Hindoo servant, should be tried before a jury half-composed of Hindoos? Or, even if they would, are we of opinion that the numerical parity would create a real equilibrium?

This detail of the judicial abuses likely to prevail under the colonial system, were there no fear of fatiguing the reader, it would be easy to enlarge, by comprising in it those which might be incident to the proper country-courts. It is true

that the business of these courts is only to decide between native and native, and that, therefore, the judges who preside in them cannot directly have what may be called a national interest in the proceedings. The provision is highly admirable and praise-worthy; but it is only one of many, and will be of little avail when deprived of its accompaniments. Let us only conceive, what appears in the highest degree probable, that many or most of the provincial judges shall not only be imperfectly furnished with that illumination and liberality which, in perfection, perhaps only an European education can give, but shall also be strongly tinctured with colonial or *creole* prejudices against the aboriginal inhabitants, prejudices in which they are countenanced by the colonists in general. It cannot be necessary to expatiate on the evils with which such a system of jurisprudence must more and more abound; evils, comprehending every possible variety of disorder or malversation that can spring out of carelessness, caprice, procrastination, precipitancy, passion, and ultimately, in some disguised form at least, corruption. For what more copious source of these shocking irregularities can be imagined, than when the greater part of the judicial body hold those interests in utter indifference or contempt, the protection of which is the whole sum of their duty?

This picture may be thought overcharged; but undoubtedly, though little needing aggravation, it is, in one respect at least, highly favorable. There

would be no difficulty in shewing, were the farther prosecution of the subject requisite, that the idea of a considerable Indo-British colony, without a colonial legislature and a colonial judicature, is chimerical. While the West-Indian settlements have their councils and their assemblies, the Indo-British colonists, if unprovided with a body of representatives in the local legislature, might complain, and not without some appearance of reason, that they were debarred from the inalienable right of British subjects. Farther, it is plain that the Supreme Court of Judicature at Calcutta, and the parallel courts at the other presidencies, however adequate to their purpose at present, would be very far from commensurate with the demands of a colony. They must be considerably multiplied, and probably courts of circuit instituted. The emoluments of the profession would, by these means, be greatly increased; and it can scarcely be imagined that the colonists, incurring the expense of a large legal establishment, would not be clamorous for a perfect admissibility into its employments and honors. And with what justice, indeed with what prudence, could we decline a compliance with these requests; or, after having conferred on them a colonial being, withhold from them the ordinary colonial privileges? But the argument need not be pursued farther, nor its obvious results, in modifying the sketch which has been given of colonial law and jurisprudence, minutely specified. Should the reader

feel disposed to follow out the subject for himself, let him bear in mind these two things; first, that, in the supposed case, the business of holding the scales of justice between the colonists and the Hindoos would be placed exclusively in the hands of the colonists themselves; secondly, that, in the year 1804, the whole influence of the governor of Barbadoes could not persuade the assembly of that island to pass a law, declaring that the wilful and malicious murder of a slave was felony, or that it should subject the perpetrator to any greater punishment than the payment of a fine of *fifteen pounds currency.**

The whole of this reasoning some men may affect to rebut with one short answer;—namely, that it would be the *interest* of the British colonists to treat the Hindoos with humanity. It would undoubtedly be their real interest; as it is the real interest of a Barbadian, not to suffer a negro to be spitted in the streets like an unowned dog. It would be their real interest, as it is almost always the real interest of the powerful, to be just and merciful; of the high, to be courteous and condescending; of the rich, to be liberal and disinterested; of all mankind, to respect the rights of each other, and to do as they would be done by. Of these maxims, however, it is notorious that passion and prejudice perpetually impair the prac-

* It is but just to say that the voice of reason and humanity has since prevailed. Such a law now actually exists.

tical authority in human affairs. Even in this region of illumination, to enforce on men the due care of their real interests, requires the addition of all those innumerable impulses, which make up the complex mechanism of domestic polity,—the impulses of laws and punishments, of institutions civil and sacred, and of that free circulation of opinion, which draws into close sympathy the various parts of the community, and renders both certain and immediate the influence of character on happiness. It is a fact that, without such additional impulses, power is apt to be tyrannical, aristocracy to be haughty, opulence to be selfish, and mankind in general to do as they would not be done by; and, unless all reasoning from experience be nugatory, it seems also a fact that, without such additional impulses of the strongest kind, the English in India would incessantly insult and oppress the original inhabitants.

The author has here ventured to be diffuse, because, if there be any one point, throughout the whole range of this great question, which can be considered as conclusive, this appears to be that point. Amidst the contention, however, of mercantile interests, the unpreferred claims of a third party too frequently escape notice; or, if casually suggested, are dismissed with the ceremony of an unmeaning compliment. But still more offensive than such neglect, is that flippancy which, when arguments involving the interests of humanity are brought forward, evades them with the reflexion,

that they are urged from other motives than those that are professed; from policy, not from conviction. In whatever spirit these arguments may be urged, that spirit must be highly censurable which would so reduce them to silence. Whether the consequences of the colonial system, with respect to the Indian population, may be beneficial or pernicious, they should at least be made a matter of serious discussion. They should surely not be permitted to take effect by pure accident, while we are busying ourselves merely respecting the acquisition of a few additional millions of treasure; an acquisition, even conceding it to be made, ineffably light and despicable when weighed against the happiness of as many millions of human beings, although an intolerable burden indeed when purchased with their blood.

If there be any with whom these considerations have little force, such persons will probably be only the more alive to some others that inevitably flow from the subject. That abjectness and non-resistance of nature which invites the insults and injuries of tyranny, often seduces it to its destruction. Although the Hindoos be meek and cowardly to excess, it is yet conceivable, either that a continuance of vexatious treatment, by at length exhausting their patience, or that chance, by guiding, as it were, some one of the numberless indignities showered upon them, to their religion, should exasperate them into revenge. Nor, in all likelihood, would the ardor of individual am-

bition and enterprise be wanting to kindle the train. British India, especially the middle provinces, is not thinly sown with the naturalized Mussulmans, a race by no means deficient in address or audacity; and the hills which intersect it are inhabited by some tribes of Hindoos, bold, cunning, and vindictive. The supposition is, perhaps, still more probable that one of those invaders who, from the higher Asia, seem, almost periodically, to descend in a tempest of war on the fertility of the Panjâb, may gather up, in the volume of his march, all the aggravated discontents and vengeance of fifty millions of oppressed men, and, pouring through the country like one of its own *north-westers*, sweep away at once our dominion and our crimes. At all events, that our colonists might, in some mode or other, be required to expiate the forbearance which they had abused, appears but too natural an event; nor will any man anticipate the result with steadiness, who reflects on the scattered state in which probably they would be situated throughout their extensive territories, and on the enormous numerical disproportion which, with whatever rapidity we conceive them to multiply, they must still bear to the aboriginal inhabitants. Weak and contemptible as the Hindoos generally are, yet, thus collected and set in motion, they would be found irresistible; as the sand of the desert is one day trodden down by the foot of the meanest pilgrim, and on the next overwhelms the whole caravan.

Such are some of the evils and dangers which may be expected to arise from the colonization of India; and these are especially insisted on in this place, not only because they seem of a highly serious nature, on which point there cannot be two opinions, but also because they appear likely to result pretty speedily when the colonial system shall once have been carried into complete effect. In the view of the present writer, the prospect of these consequences is so *near* as, in a great measure, to shut out of contemplation an event on which yet some very judicious persons have laid a considerable stress as the probable effect of India colonization,—namely, that of an attempt, on the part of the colonists, to emancipate themselves after the manner of America. At the same time, it would be perfectly unwise to leave even this contingency out of the account; and, if we suppose, either, on the one hand, that the colony, in the course of time, incorporates itself with the Indian population, or, on the other, that, continuing separate, it subsists long enough to become extremely numerous, at the period when it shall have reached either of these states, the contingency in question will be at hand.

It is true, indeed, that the system-mongers of the day are not apt to find themselves much hampered by such considerations. We are informed, accordingly, on the authority of Dr. Smith, that it is the duty of a country to relinquish the management of its colonies, whenever they attain mature

age; and are admonished, therefore, to expect the emancipation of an Indian colony, as an event equally natural and desirable. The principle of the voluntary emancipation of colonies, there seems little occasion here to discuss; because Dr. Smith himself has acknowledged that it is a principle which, after all that can be said, never will be carried into practise. "To propose" (his words are) "that Great-Britain should voluntarily give "up all authority over her colonies, and leave "them to elect their own magistrates, to enact "their own laws, and to make peace and war, as "they might think proper, would be to propose "such a measure as never was and never will be "adopted by any nation in the world. No nation "ever voluntarily gave up the dominion of any "province, how troublesome soever it might be to "govern it, and how small soever the revenue "which it afforded might be in proportion to the "expence which it occasioned."* Such, certainly, have generally been the feelings of mankind on this subject, and it does not seem very likely that they can have been changed even by the event of the American war, which some persons may regard as a precedent strongly in favour of the voluntary emancipation of colonies. Indeed the author of the *Considerations upon the Trade with India* himself, feels so much in unison with

* Book IV. Ch. vii. Part 3. There might, however, be found exceptions to the remark; but those, totally inconsiderable or peculiar.

the rest of the world on this matter, or deems it so hopeless to contend against that common feeling, that, making, for the sake of argument, the supposition of an endeavour on the part of a British colony in India to render itself independent, he holds out no other consolation to the mother-country than the prospect of speedily re-establishing her authority by the sword. "Reduced, "indeed, (he says) must be the power of Britain, "if she could not soon punish the pride and pre-"sumption of a few rebellious citizens that should "attempt so desperate a design." The *fewness* of these rebels, it should be observed, is one of the points in dispute; but, be they few or many, the idea of such a contest and such a victory is sufficiently shocking; and, even on the ground of expediency alone, the wise man would probably reckon it a more advisable plan to destroy at once the crocodile of colonization in the egg, than to be soothing our minds with the contemplation of a triumph over the full-grown monster.

If these premises have been made out, the obvious practical inference is, that colonization should be guarded against, even at the price of all the commercial restrictions established by our present policy. But there results also from the premises a farther practical deduction or corollary. Whatever differences of opinion may exist as to the facility of colonizing India, there probably will be none as to the difficulty of retracing our steps, if we once make any decided progress in that busi-

ness, excepting, perhaps, by measures of a very violent and arbitrary kind. Indeed, the proof of this position has been sufficiently implied in some of the preceding remarks; and, connecting it with a consideration of the nature of the colonial system, the conclusion plainly is, that *even the remotest approaches to colonization ought to be avoided with jealousy.* This is not a matter in which we are authorized to act on a mere balance of probabilities; nor, in such a case, is a disregard of distant contingencies, magnanimous, but wholly irrational. For no rational man lightly esteems *a small chance of a great evil,* or will, by the fear of a comparatively trivial inconvenience, be induced to incur the hazard of a fatal error.

CHAPTER III.

On the probable Effects of transferring the political Functions and Patronage, now possessed by the East-India Company, to some other Person or Persons.

Should the present Indian system be abolished, the commerce of this country with India either will continue to be conducted by the Company, trading on a joint stock, though without a monopoly, or will distribute itself among a number of unconnected individuals; while the powers attached to the government of India, though lost to the Company, must subsist in an organized state somewhere, possibly divided, but certainly not dissipated. On the exercise of those powers, however, is suspended the welfare of a very large portion of our species; and it therefore becomes a question of the most serious nature, in what hands they shall be reposed.

Closely connected with this question is another, of not less importance in itself, and, with respect to the immediate interests of Great Britain, still more important. On the abolition of the present Indian system, the commercial patronage of India would follow the fate of our Indian commerce; it would either remain with the Company, or diffuse itself among individual hands.

The political patronage of that country, meantime, would certainly remain, but not with the Company. This political patronage, however, constitutes immensely the greater part of the whole Indian patronage; and the disposal of so vast a mass of influence cannot possibly be a question of trivial concern.

To these questions, all the answers imaginable, numerous and diversified as they are, may, perhaps, very conveniently be arranged under two heads. The power and patronage of India, if wrested from the Company, either must be conferred on some independent authority in India, or must be abandoned to the executive government in England. A third case, excepting such as might be formed from the mixture of these two, is scarcely conceivable. If that power and that patronage are to reside, either wholly or partially, in England, they must reside with the ministers of the Crown, subject, of course, to the responsibility under which those ministers necessarily act. Were the political functions of India conferred on some other person or persons in England, no reason can be given why those persons should not be the Court of Directors, new modelled, perhaps, according to the imagined expediency of the case. One of the fiercest and most powerful enemies by whom the government of the Company has ever been assailed, declared that he would never lend his hand to the destruction of that or of any established government, unless it could be proved

" absolutely incorrigible;"* a condition, the fulfilment of which no man will now undertake with respect to the government of the Company. In truth, if the executive power and patronage of India were vested in any other authority at home than the Crown, that authority would, to every practical purpose, be the Company revived under a different form.

But, although it seems clear that, in the event of the abolition of the Company, the Indian government and patronage must either be consigned to some local authority in India, or merge in the general functions and influence of the Crown at home, it is yet very possible that law may affect to dispose of them in one of these ways, while circumstances, in reality, dispose of them in the other.

Let us suppose, for example, that the executive functions and appointments of the government of India are, by law, transferred from the Company, their present possessors, to the ministers of the Crown. Let us imagine, farther, that colonization takes place in India, and that the Indo-British dominions become, in process of time, a populous and flourishing colonial province. It is impossible to suppose that such a province should not aspire to at least a qualified independence;—to some substantive participation in the management of its own affairs, and a clear share

* Burke's speech on the India Bill.

in the honors and emoluments of which it furnishes the fund from its own bosom. A British colony of a certain standing and magnitude, can scarcely be a mere appendage to the treasury at home. Colonial families grow up, strong in wealth and consideration, and ambitious of privilege or power; and these grasp at aristocratical rank, or at least furnish individual candidates for the various places of distinction in the local establishment. A colonial public is formed, not untinctured with provincial self-importance; but who, with some plausibility, claim a portion of the popular rights and franchises that are supposed to constitute the essence of Britannic liberty; who probably demand, in many cases, the privilege of electing their own magistrates, and, at all events, will not endure to be devoured by place-hunters from the mother country. These claims and prejudices, however little allowed for by the written constitution of the colony, or formally conceded by the parent legislature, the executive government of the crown, in whose hands we are now supposing the colonial administration and patronage to be placed, would probably feel a necessity of respecting. In a good measure, consequently, the patronage might be dispensed according to the wishes, and the administration checked by the virtual controul, of the colonists themselves.

Let it, on the other hand, be supposed that the legislature were to confer on the people of British

India a given amount of independence. It is obvious that the privilege would be granted ineffectually, until the provincial British population, and the provincial government, as the representative of that population, should have acquired a decisive measure of political weight and consequence. Whatever the ostensible liberties of a province, its real independence cannot rise above the level of its effective strength; that is, above its power of acting for itself. And, on the amount of its real independence, on the degree of its assured self-reliance, and conscious vigour, will depend the success of its claims to the disposal of its own emoluments. If the parent state feels that the subordinate country lies wholly at her mercy, and lives only on her protection, she will certainly govern as well as protect it; and, in whatever degree she directs its conduct, in that will she appropriate its prizes and its honors. Immunities and authorities may be richly lavished on such a province; but they will, like costly donations made to children, be locked up for a while in the repositories of its natural guardians.

It has been recommended,—and not in a sally of mirthful irony, but with all the grave extravagance of speculation,—that the provinces of British India should be erected into a separate and associate empire, having for its sovereign a prince of the Britannic blood royal, with hereditary succession. The wonders of fact are said sometimes to exceed those of fancy; and

let us conceive this imagined empire to be realized. If we expected the supposed prince to enjoy effective freedom of action, and the real nomination of his public servants, we should in all probability find ourselves greatly deceived. So long as he should be sensible that the destinies of his realm were entirely dependent on the counsels and armies of Great Britain, so long he would find it unavoidable to propitiate the acting administration of that country, both by the ready surrender of his own judgment, and by the choicest offerings of place and patronage within his gift. In the same manner, we might concede to the British population of India, whether as a colony, or under whatever name, the guidance of their own measures, and the election of their public functionaries. But, so long as that population should subsist, in fact, at the discretion of the parent country,—governed, no less than assisted, by her wisdom, and overawed, no less than protected, by her power,—so long as they should fall short of that strength and stature which alone could endue them, in their collective and national capacity, with a high pride and energy of character,—so long their freedom of conduct, and of election, would not be exercised without a studied deference to the pleasure of their patrons.

In the foregoing observations it has been argued, as if the executive administration, and the patronage, of India, would naturally adhere to the same hands. The assumption is surely

just, though no political maxim ought to be stated without a due grace for exceptions. That, under singular circumstances, power may be disjoined, or, as it might almost be phrased, *divorced* from patronage, is perhaps true; but the general presumption, certainly, appears to be against the occurrence of such circumstances. "Power (said Mr. Burke) will always draw wealth;" but much more, then, may we affirm, that power will always draw that modification of wealth which bears the closest affinity to itself. It seems, indeed, not unreasonable that men should exercise some controul over functionaries whom they have themselves nominated, or that they should nominate those that are to execute the measures which they have themselves originated. Thus it is, that power and patronage bear a mutual relationship; and hence it perhaps follows, that those who desire the possession of the one, not unnaturally, as a preliminary step, attempt the acquisition of the other.

From what has been said, it would appear that, in the event of the supersession of the Company, British India would, for some years, present a copious field of influence to the executive ministers of the Crown. For, surely, some years must elapse before the province could have acquired that self-dependent vigour, which would entitle it to a decisive vote in the conduct of its own concerns. At present, the Anglo-Indian state, considered as an appendage, a branch, a satellite, is powerful,

flourishing, and glorious; but, viewed as distinct from the stock on which it grows, and with reference to the myriads of disguised enemies, or equivocal friends, by whom it is surrounded, its imbecility could not easily be exaggerated. The task, however, seems still less easy, to determine how soon, on the supposition that British subjects in general were allowed a perfect freedom of resort to the Indian seas, this feeble community might dilate into the dimensions of a mighty nation. The question does not require discussion in this place; so long as it is admitted, what probably will not be denied, that the period requisite to such a growth cannot be trifling or evanescent; that it cannot, for example, fall greatly short of forty or fifty years; and that, during this interval, the places and perquisites which compose the political patronage of the province in question, must necessarily be dispensed by some authority in Great Britain. For, there being no Company, that authority would be the royal minister.

There is an auxiliary consideration, perhaps worthy of notice on this branch of the subject. Whatever system of Indian government may be adopted, it seems almost a matter of physical necessity, that the appointments to a considerable number of the political and judicial situations in British India, should, for some time, continue to be made in England. In India, the means for making them will not easily be found. A loose and promiscuous efflux of commercial or agricultural adventurers would hardly supply an adequate store of materials

for the requisite creation of public functionaries so highly to be entrusted; and it were preposterous to suppose that youths, sufficiently qualified for stations of eminent distinction and difficulty, should, in any frequency, proceed to India, on the mere chance of an attainment to those stations. But, if the appointments are made at home, it must be in the office of the British minister; for, by the supposition, no independent authority is to be erected at home for the administration of Indian affairs.

The preliminary observations which have been made, may have appeared tedious; but they, perhaps, reduce into a distinct and practicable shape the topic intended for discussion in this chapter. That topic now naturally breaks into two divisions. Should the Company be deprived of their political capacity, the duties and the patronage attached to them in that capacity, must necessarily, at least for a term of several years, pass into the hands of the British ministry; and there are controvertists who deliberately contemplate and recommend such a transfer. What, then, would be the consequences of that transfer? This is the first enquiry. Again; it is conceivable that the Indo-British community might, in the course of time, expand into a state of respectable magnitude, affecting, and not wholly without pretensions, an underived and unprotected greatness. At that period, it will assert, to a considerable extent at least, the regulation of its own conduct, and the dispensation of its own

offices. Nor are there wanting persons who imagine, however erroneously, that these privileges might, by virtue of laws, be immediately conferred on the state in question. Supposing such an event to take place, what would be its consequences? This is the second enquiry.

But, of these enquiries, the latter will appear to have been sufficiently anticipated in the preceding chapter. An attempt was there made to delineate the effects, first, middle, and last, which rational conjecture may deduce from the formation of an ample and growing colony in the Indo-British provinces. It was shewn to be probable, that such an establishment would have its beginnings in the severe, although desultory sufferings of the natives, its progress in their systematic and accumulating degradation, its end in the sudden recoil of their overloaded patience. Should it survive this trial, lamentable contentions might be expected to arise between the dependent and the supreme states, generated by the insolence of new strength in the one, and the pride of ancient power in the other. This is the catalogue of the consequences to be anticipated from colonization in India; and they do not appear such as require to be minutely specified twice.

It remains to be examined, what benefits are promised by the arrangement which would transfer to the ministers of the Crown, the political functions, and the patronage, civil and military, now appertaining to the Company. The subject fur-

nishes a wide choice of considerations; what shall here be made prominent, is the constitutional danger that may be apprehended from the annexation, to the Crown, of so large a mass of influence. This point is one of ordinary agitation in the controversies respecting the present Indian system; but it has not, perhaps, been elucidated in so full and detailed a manner as might exhibit it to be, what it really is, conclusive.

The primary object of investigation is the actual amount of the patronage which would devolve to the ministry by the supposed change; and, that this amount may be the more clearly ascertained, it seems not improper first to enquire, how far the ministry already participate in the patronage of India. Such an enquiry is, besides, requisite, in order to disembarrass the subject of certain too prevalent misrepresentations. On some of those misrepresentations, indeed, a more circumstantial notice will be bestowed in the sequel. The present purpose may be sufficiently served by a few simple statements and explanations.

It may, in the first place, be noticed, that some classes of public officers are habitually employed in British India, who are not servants of the Company, but hold immediately of the Crown. Such are; the Judges of the Supreme Courts of Judicature situated at Calcutta and Madras, together with the Recorders of Bombay and Prince of Wales's Island; and the Commanding Officers of the armies of His Majesty stationed in India,

together with their military staff, and the Commandants of the regiments who constitute those armies. The patronage derived from these sources is exclusively placed in the hands of the Crown, which may appoint to the offices in question, without any controul on the part of the Company. It will afterwards appear, however, that, in the royal nomination of Commanders in Chief, the wishes of the Company are, in practise, not wholly unconsulted.

It may, secondly, be remarked that, though the appointments in the proper service of the Company are totally denied to the Board of Controul, yet the Crown is not left without an influence over the highest among those appointments, the degree of that influence being both prescribed and bounded by the public convenience. A short detail of circumstances will at once evince the necessity for the existence of such a qualified power, and point out the limits within which it is, in fact, exercised.

While the Company as yet subsisted in a capacity purely commercial, their affairs were conceived to be, in a great measure, a matter of private concernment. Even during those times, however, and under that conception, the national stake in their welfare was felt to be of such magnitude, that their more important transactions frequently became the subjects of consultation between the Directors and the national government. The accession of the society to imperial functions both deepened and justified the interest of the

public mind in their proceedings. No formal controul, however, on the part of the public, over their conduct, was established before the Regulating Act of Lord North, in 1773. That statute, though faintly, yet unequivocally, recognized the expediency of such controul, by the clause,* that regular advices of all matters, financial or political, should be transmitted by the local authorities in India to the Directors, and should, by the Directors, be forthwith communicated to the Ministers. It was plainly implied that the measures of the Company might be made the occasion of comment and suggestion by the national government.

The two acts† subsequently and successively introduced under the administration of Mr. Pitt, avowedly fortified the claims of the national executive to a partial interference in the political affairs of the Company. The Board of Controul was armed with a negative on the political dispatches of the Directors to their servants in India, and, in certain defined cases, even with the power of originating measures. Practically, (and the convenience of public business requires that it should be so,) the right of controuling, wherever it exists, includes the right of advising. The ultimate check is smoothed down into previous influence. The institution of the Board of Controul implied that, with respect to the broad out-

* 13 Geo. III. c. 63. sec. 9.

† 24 Geo. III. c. 25, and 33 Geo. III. c. 52.

lines of Indian policy, the judgment of the Company should be exercised concurrently with that of the royal ministers. The general system of measures was to be a matter of consultation and concert. But, if so, that most important and effective class of measures, the choice of the great public servants who should immediately uphold the general system, must surely follow the same law. To a certain extent, indeed, the statutes in question may be considered as having expressly comprised the appointments of the Company within the province of that supervision which they conferred on the royal ministers. If vacant situations in the service of the Company should not be filled up by the Directors within a defined term after the knowledge of the vacancy, the nomination lapsed to the Crown. What is yet more observable, a power was bestowed, not indeed on the Board of Controul, but on the King, under the observance of certain prescribed formalities, to recall any Governor-general or other great officer in India, and even to rescind any of the appointments of the Company. These regulations were, no doubt, intended only as provisions against extreme cases; but the effect of them was, at least to bring the appointments of the Company within the pale of ministerial recognition; to invest, as it were, the Crown with a reversionary interest in the disposal of Indian patronage.

On the particular form and degree in which, by the statutes of Mr. Pitt, the nation chose to

establish their claim of a privity in the political proceedings of the Company, men may possibly hold different opinions; respecting the principle, all will doubtless be agreed, who admit that the Indian empire is a national concern, a feeder of the national wealth, and a fund of national glory. All, then, surely will farther allow that the executive government of the nation may very properly possess a modified controul over the selection of those distinguished depositaries of power, within whose personal custody this treasury of the public opulence and honour is to be placed, and who, under every just and enlarged view of their functions, are not more the delegates of the Company, than the representatives of the nation.

At the same time, these doctrines have their limits. The legislature never, either expressly or by implication, complimented the ministers of the Crown with a paramount voice in the distribution of Indian patronage. Both the acts which have been mentioned explicitly provide, that nothing in them contained shall extend to invest the Board of Commissioners with the power of nominating or appointing any of the servants of the United Company. Both intended to arm the Directors with a plenary power of appointment. On this point the latter act is explicit; and some indistinctness of expression which had crept into the former was rectified by a declaratory enact-

ment in the 26th year of the King,* which distinctly provided, that the royal approbation, under the sign manual, should not be requisite to the validity of the appointments by the Directors of their governors and members of council. Both the statutes under consideration, farther, empower the Directors to remove or recall any of their servants, excepting such governors or commanders-in-chief as may have been appointed by the King in default of appointment by the Directors. In so far, also, as those acts give to the Crown a contingent or indirect vote in the nomination of the Indian servants of the Company, this privilege is carefully discriminated from the general right of controul conferred on that high authority. Appointments unprovided for, lapse, not to the Board of Commissioners, but to his Majesty, and they must be supplied by the royal sign manual. Officers and servants of the Company may be removed or recalled, not by the Board of Commissioners, but by his Majesty, and this only under his sign manual, countersigned by the President of the Board. The danger, besides, that the right of nomination may lapse, can only stimulate the Directors to exercise it themselves; and, while offices may be vacated by the sign manual of the King, all vacancies, even those so made, can be filled up only by the Directors. So that, even in this extreme case, if the Crown has a ne-

* Cap. 25.

gative on the selecting discretion of the Company, the Company have clearly, in their turn, a negative on that negative. It was shewn, in a former page,* that, though the possible effect of this arrangement, as of every arrangement of balanced powers, might be a perpetual contest between the parties, its probable, or rather natural effect, is the harmonious exercise of the joint authority, founded on mutual deference and concession. It tends to produce, not a divided, but a compounded government.

In point of principle it cannot be more manifest that the Crown should controul the Company in the choice of their governors-general or other superior functionaries, than that the Company, so long as they occupy their present place in the administration of Indian affairs, should substantially enjoy that choice. The ministers of the Crown, as feeling with the country, must be supposed to have every wish for the prosperity, commercial and political, of British India. But they can form no wish, however ardent, of this kind, in which they would not be rivalled by the Company. The Company are the immediate and acknowledged representatives, on the Indian shores, of Great Britain, considered both in her imperial and in her commercial character. So far alone they act under a high and almost staggering responsibility. But they, farther, appear on those

* Chap. I.

shores in their own behalf, as the owners of a most valuable property, and the acting managers of a beneficial concern. They have every stake, therefore, which ministers can possibly have, and much more, in the wisdom and virtue of their agents; and there is this additional reason for giving them the choice of their agents, that they could scarcely expect to command the reverence of those whom they had neither appointed nor could remove, who held them in little fear and owed them no gratitude.

On these grounds it is, and to the extent which has been intimated, that, while the Company may take for their servants such persons as they think fit, the Crown possesses a practical controul over the exercise of this privilege. The remark especially holds with regard to those exalted functionaries, the governors and the commanders-in-chief over the troops of the Company; officers frequently chosen on the suggestion of ministers, although the Company has a plenary right of receiving or of rejecting such suggestions. There is, indeed, a peculiar reason why the commanders-in-chief should be selected by the two authorities in concert. Under every several Indian presidency, the King and the Company have each an army; and each appoints a local commander-in-chief. It is highly expedient, however, that the whole of the British military employed under any one presidency should be cemented together by

their acknowledgment of a single leader. For this reason, the practise is, that the Crown and the Company bestow their respective commissions of commander-in-chief on the same person; and the choice of the individual is usually a matter of compromise between the two parties concerned. But such a practise, if it subtracts from the selecting liberty of the Company, may be thought to make the same subtraction from that of the Crown, since each has a commander to choose, and sacrifices a part of that choice, in order to purchase a controul over the choice made by the other. At the same time, it must be admitted that the Company scarcely enters into the agreement on equal terms; for, by a military regulation of very questionable merit, the officers of their service are debarred from any higher rank in the army than that of major-general. Were one of those officers preferred to a chief command, the absurdity might in the course of time happen, that he should be passed, in point of rank, by a King's officer appointed to act under him. The commanders-in-chief, therefore, are usually officers of the royal service.

As a set-off against the somewhat preponderant influence of the Crown in the nomination of the commander-in-chief, it may be mentioned that the subordinate members of the civil government, that is, the junior civil members of the council, owe their situations, in effect, exclusively to the

Company. By act of parliament,* those situations are open only to persons who have, for twelve years, resided in India, as covenanted civil servants of the Company. The condition powerfully operates against the interference of ministerial interest; and, in fact, the honor generally falls on those who stand on the qualification of long and approved local service. On one occasion, when the British ministry thought fit to remove a Governor-General of Bengal by the sign manual of the King, they at the same time removed the other members of the Supreme Council; but it was intimated to the Court of Directors, that, although, for the sake of form, all the members of the government had been removed, the ministry felt no objection to the reinstatement of the subordinate members.

Such are the mode and the extent of ministerial interference in the highest department of Indian patronage. It is now to be explained, on what grounds, in what manner, and how far, that interference exists with respect to the subordinate situations, of which it needs not be said that they constitute the vast majority of the places in the service of the Company, and that many of them are extremely lucrative and important. The extravagant errors which have been broached on this point, render the proposed explanation the more requisite.

* 33 Geo. III. cap. 52, § 25.

The patronage arising from the annual appointments of youths to the service of the Company, is, as was explained in a former chapter, equitably divided among the Directors. In the continual intercourses, for which there is occasion, between the President of the Board of Controul and the heads of the Court of Directors, mutual habits of personal cordiality are of course formed, and, indeed, are, on public grounds, highly proper. It certainly, therefore, would not be unnatural to expect that the President might occasionally obtain an appointment in the service. Such an appointment, however, would be the personal and, possibly, the private gift of an individual Director; the extent of such good offices would be unlimited and unknown; a door of political connexion would be opened to individuals in the Court; and, perhaps, the suspicion of secret understandings between Directors and the minister might prove nearly as mischievous as the reality. In order to obviate at once the moving cause and the facility of these transactions, the most advisable plan seems to be, that the Court, in their collective capacity, should avowedly allot to the President of the Board of Controul a certain limited portion of their annual mass of patronage. This plan is now usually adopted. The amount assigned to the President of the Board never exceeds the share of the Chairman or the Deputy Chairman, which again never exceeds, and sometimes fails to reach, double the share of an ordinary Direc-

tor. So that, if we suppose the patronage for a given year divided into twenty-eight equal lots, two of those lots, at the most, would be the quota of the minister in question. This custom, it should be observed, has not been embodied in any compact or written regulation; but depends, for its existence, on the pleasure of the Court of Directors.

It thus appears that, in the original appointments of the servants of the Company, the government participate, though to a very restricted degree. In the subsequent appointments, excepting where the distinguished political situations before commented on are concerned, their participation is still more limited. The appointments of this class are ordinarily made by the local Indian governments, subject to the supervision, not of the Board of Controul, but of the Directors, and of the Directors in their corporate character. The King, indeed, may, by his sign-manual, rescind those appointments. It has already been shewn, however, that the statute which invests the Crown with this privilege, annexes to the exercise of it such solemnities as confer on it the character of an extraordinary and ultimate power,—the extreme resource of regal supremacy. It has been shewn, also, that the same statute furnishes an excellent practical security against the abuse of the privilege, since it leaves to the Company the power of renewing their appointments as often as they are rescinded. The actual nature and object,

therefore, of this privilege, have not hitherto been materially misconceived. No minister has ventured to hold it out *in terrorem* on ordinary occasions, even for the purpose of influencing those superior appointments in which some measure of ministerial interference appears most unimpeachably legitimate. In the only instance where the privilege was carried into effect, the authors of the experiment probably repented their precipitancy. But the exertion of it, with respect to any places except the highest offices of state, would be a proceeding so flagrant, as must unquestionably occasion a collision between the Government and the Directors; a collision, which would call in the decisive arbitration of Parliament.

It will be asked, however, whether the minister may not, by the transmission of private intimations to the governors of the Indian presidencies, controul the nominations which ostensibly proceed from those governors, thus indemnifying himself in influence for what he wants in prerogative. No doubt, it may occasionally happen, that the President of the Board of Controul shall recommend to the Governor-general a youth who has been appointed to the service on his own nomination, or perhaps some other particular connexion. But, with a few exceptions of this kind,—exceptions, the utmost effect of which is wholly inconsiderable,—he cannot well interfere in the course of the service; for the whole frame and nature of the established system are adverse to such

an interference. Where a minister is by law excluded from the exercise of an open controul, his covert interference in the provinces of public officers so high as the Indian governors, and especially the Governor-general, would in itself be a matter of some delicacy. What would greatly enhance that delicacy is, that the officers in question do not hold exclusively of the Crown, still less, of the administration for the time being. They are chosen, as they are to be judged, partly by another authority than the Crown; and with the cabinet of the day, they have not necessarily any connexion. The question is, why the minister should seek to overcome these difficulties; and the answer is not obvious; for, of the Indian servants, domiciliated in a distant country, and originally of very various and dispersed connexion, few can be comprised within that sphere, where the action and reaction of court-interest strongly prevail. Even were the ministerial wish expressed to the Governor, and by him adopted, it could not always be carried into effect. In the service of the Company, as was explained in the first chapter, it has been ordained by act of parliament that promotion should partly depend on seniority. The scope for choice, therefore, is circumscribed; and, from the nature of the service, as fully appears in the chapter alluded to, it is not possible that the boundaries of the option given should be overleaped, nor likely that the choice itself should be misdirected. At each of the

Indian presidencies, the acts of the Governor are immediately overseen by his council; a body, of which the members are experienced servants of the Company, preferred to that station by the Directors themselves. The acts, besides, of the subordinate governments, are overseen by the supreme government, or that of Bengal; and the acts of all are overseen by the Company at home. From the regular system of official correspondence established throughout the service, and from the general light and intelligence that pervade every department, the respective pretensions of the servants are universally known, and almost reduced to a graduated scale. From the spirit, at the same time, and honorable emulation, by which the service is characterized, an appointment palpably unjust would be viewed with jealousy, and scarcely without complaint. Such appointments, therefore, if meditated, are, in the first place, liable to strong resistance on the spot, and it is there, undoubtedly, that their impropriety admits of the completest exposure. If they escape this trial, however, they are obnoxious to animadversion from the Court of Directors; who, though ordinarily content to entrust the better knowledge of their governors with the conduct of local details, yet want neither information to discover, nor willingness to correct, any glaring abuse of that confidence.

The extent to which, under the present system, the ministers of the Crown command the patronage of India, has now been measured out, if the ex-

pression may be used, in the sight of the reader. Let us next suppose that the Crown, actually or virtually, succeeds to that plenary controul over the political patronage of India, now possessed by the Company, and let us compute in what degree the regal influence will, by this accession of resources, be augmented. And here it may be convenient to premise that, though only the means of patronage now in the hands of the Company would be transferred to the Crown, yet, in effect and to all practical purposes, the Crown might, by this transfer, gain much more than the Company would resign. For there are, in the hands of the Company, many dormant sources of influence, which it is conceivable that a minister, if he obtained the command of them, might take an early opportunity of calling into action. Again, in the distribution of their patronage, the Company are much restricted, partly by regulations of their own, partly by enactments of the legislature; whereas it is perfectly imaginable that a minister who should occupy their place, might annul the one class of restraints and evade the other.

The view of the enquirer will, in the first instance, naturally be directed to the highest stations in British India; those of the Governors, Members of Council, and military Commanders-in-chief, at the several presidencies. Under the present system, the two former of these three orders of functionaries, in addition to the proper duties of sovereignty with which they are invested, superintend

the commercial affairs of the Company. This, however, as it is the smallest, so it forms by far the least important, part of their avocations; nor can we suppose that the deduction of this part would sensibly impair either the value or the dignity of the offices which they hold. Those offices, therefore, would suffer no sensible depreciation from the abolition of the commercial system of the Company, although that event must necessarily deprive them of the commercial functions which they now comprehend.

Should the system of the Company, then, be superseded, and the political patronage of India transferred to the Crown, the appointments to the Indian governments would fall, unimpaired in value, beneath the undivided command of the ministry. The high military appointments would also become exclusively their property. By this change, it may be observed, the ministry would gain more in reality than, to a superficial observer at least, may be apparent. Not only would they unite, in themselves, the powers of selection which are now divided between two parties, the Crown and the Company; but the very union of those powers in the same hands would increase the effective quantity of them. Co-ordinate and counterpoising authorities seldom act together with such perfect smoothness and equability, but that a part of their force is destroyed by their mutual attrition. Self-will, jealousy, caprice, misunderstanding, are seldom so completely avoided, the

true spirit of compromise is seldom maintained with such fine exactness, but that some degree of unnecessary resistance occasionally takes place. All which attrition and resistance must cease of course, when the opposing powers are amalgamated together. Without reference to this consideration, however, the selection which is shared between the minister and the Court of Directors, is subjected, in its exercise, to peculiar restraints, arising from the very constitution of the latter body. The Court of Directors are not a cabinet, or junto, acting in close concert, and professing unanimity. They consist of twenty-four persons, and these, men of various habits, connexions, and prepossessions. When, therefore, they adopt any measure in their collective capacity,—and it is in that capacity that they choose their governors, or other high delegates,—the affair is necessarily conducted with a degree of discussion and publicity, preventive of that intrigue and trafficking, to which a compromise between the Company and the ministry might be exposed, if each of the parties were an individual or a secret cabal, and if they negotiated in total privacy. Thus the option jointly exercised by the Company and the minister, is not that which they would jointly exercise if they were two individuals; nor, consequently, is it that which the minister would possess, if he possessed it to himself.

Next to the offices of the Governors and Commanders-in-chief may be considered those of the

Members of Council. When the Commander-in-chief occupies a seat in council (which is usually the case), the civil members, exclusively of the Governor, are two. At the three presidencies together, therefore, they amount to six; and the situation is one of great dignity and proportionate emolument. In the present state of things, it is, as has before been shewn, both nominally and really in the gift of the Directors; in the altered state of things, it would be in that of the minister. It is true, indeed, that no person is eligible to the office who has not, for twelve years, resided in India, as a regular member of the civil service; a condition which, as matters now stand, decisively operates against ministerial interference. But, were a perfect facility afforded to that interference in other respects, this single barrier might soon become nugatory. Those, who should be qualified in point of service, might then find their account in a diligent cultivation, by their connexions at home, of a ministerial or a parliamentary interest; a speculation, now too precarious to be worth their labour. They would probably have acquired some experience in the pursuit; they might have purchased their way up the whole service by similar means; for, by the supposition, all appointments, so far as they are elective, are to be in the election of the new Indian Board. Even here the probability does not appear to stop; the very materials, out of which this class of persons had been originally taken, would be those with which the element

of ministerial favour naturally combines. The servants of the Company attain their situations by their connexion, nearer or more remote, with private men of consideration and respectability. The servants, as they would then be, of the Crown, would almost necessarily owe their situations to their connexion with the supporters or retainers of the minister; with men of public station, political interest, and parliamentary habits; occasionally, it may be feared, with electioneers, borough-dealers, and low favourites.

The undisputed and unqualified command, then, of the chief official situations in India, would be one among the acquisitions of the Crown. It would, certainly, not be the single, nor, probably, even the principal, acquisition.

Whatever be the specific scheme of polity which, under a ministerial government, might be framed for the Indo-British community, it may perhaps be assumed that the appointments to a considerable number of the political, judicial, and military situations in that community, must for some time continue to take place in England. In India, as has already been shewn in this chapter, they could not be supplied for want of the requisite materials. Besides, they *now* take place in England; and it is not likely that ministers, succeeding to the Company in their political character, would forego the benefit of that quantity of patronage which is disposed of immediately by the Directors.

Let it farther be assumed, as the least favourable

supposition which can be adopted for the purposes of the argument here maintained, that the ministry would, after the example of the Company, content themselves with the nomination of a certain number of persons to the Indian service, leaving the subsequent promotion of the persons nominated to the conjoint operation of the rules of succession now established in the service, and the elective power partially exercised by the local governments. In that case, the original appointments now given by the Directors, so many of those appointments excepted as are necessary for the maintenance of the commercial system of the Company, may be regarded as a branch of patronage which would undoubtedly devolve to ministers. Of the amount of this acquisition, a rough computation may not be unacceptable to the reader.

The Directors of the Company annually name about thirty young men to their civil service under the name of writers. From this body, the establishments both in India and in China are supplied. The latter, however, is comparatively of such smallness that the total loss of it would not sensibly diminish the number of writers annually appointed; and it will therefore be overlooked in the following estimate.

The thirty appointments which have been mentioned, would, in the case under consideration, be transferred to the minister, with the exception of so many of them as may be supposed destined for the Indian commercial department. The excep-

tion is, in fact, not very considerable, as a short calculation will evince.

The civil service of India may be divided into four branches; the general, which might be termed the political; the judicial; the revenue; and the commercial. The collective number of covenanted servants employed under these heads, is,* in Bengal, 391; Madras, 206; Bombay, 74; in all, 671. Of these, the commercial branch employs 122, or two-elevenths. If, then, we suppose the commercial branch to be extinguished by the supersession of the present system, all other things remaining the same, the number of writers appointed would annually average at nine-elevenths of thirty; or, about twenty-four and one-half.† That is, there will be left twenty-four writerships annually in the gift of ministers.

But it is an unwarrantable assumption that the commercial branch would, in the case supposed, be totally extinct. That branch, considered with respect to Bengal, includes three departments, which are, in fact, of a political nature: that of the government customs levied on imports and exports at several principal cities; and the salt and opium establishments, instituted for the management of a monopoly which the Company, after the example of the Mogul Government, possess in those articles. Under every change of system, the customs would probably continue. The monopoly in salt and opium, being a prero-

* See Appendix, No. II. † 24·5454 &c.

gative of the government, might be expected to continue also. At all events, the profits resulting from that monopoly cannot be spared; if relinquished in their proper shape, they must be revived in that of revenue, and the salt and opium agencies would disappear only to be replaced by fiscal collectorships.

The covenanted servants employed in the government customs, being custom-masters, or their deputies, are fifteen. The number of those engaged in the departments of salt and opium, is twenty-three.* We have thus, in effect, thirty-eight political functionaries, although enumerated among the commercial servants of the Company. These, transferred from the commercial head to the sum of the rest, leave the former but eighty-four, and raise the latter to 587; and, on computation, it will appear that, of the thirty writerships, we shall now have twenty-six for the annual number in the gift of the administration.†

Under the present system, it has been shewn that the share acquired by the minister in the annual patronage of the Company, never exceeds that conferred on a Chairman of the Company, or about one-fourteenth of the whole. Of thirty writers, therefore, the minister, on an average, does not appoint a greater number than at the rate of $2\frac{1}{7}$ in each year. Consequently, under the

* See Appendix, No. II.

† Accurately $26\frac{164}{671}$.

new system, his influence, so far as this source of patronage extends, would be increased upwards of twelve times.*

Let us next proceed to the cadetcies. The annual appointments of cadets for the military service of the Company may be averaged at 120; those of marine cadets, at 10. The marine departments, however, of India, would suffer some diminution by the supersession of the Company. The marine at Fort Saint George, indeed, is not worth mention; that of Bengal amounts only to a system of pilotage for the Ganges, a river, the navigation of which is peculiarly difficult. The Bombay marine is of a very different description. It consists of fifteen fighting vessels, besides armed boats, advice-boats, and other appendant craft, and gives employment to a regular establishment of marine officers, seamen, and attendants on shore. The maintenance of this force is rendered necessary by the swarms of pirates who infest the western coast of the Indian promontory, from the shores of the Persian Gulf to Goa, and who are distinguished, particularly those that lurk in the more northerly tracts, by their courage, cunning, and ferocity. These nautical banditti have haunted the very same regions since the time of Alexander the Great, and probably much longer; nor, though they have sustained severe and apparently ruinous losses from the English at Bombay, can any imme-

* Or as 1 to 12;2473 &c.

diate prospect be entertained of the final termination of their ravages.* The marine establishment, therefore, of Bombay, would probably, under every change of system, be continued on its present scale. But, out of one hundred and four marine covenanted servants of the Company, Bombay employs ninety-three, or nearly nine in ten.† Therefore, at least eight marine cadets are annually appointed to Bombay. Add these to the one hundred and twenty military cadets annually appointed for India in general, and we have about one hundred and twenty-eight for the amount of the cadetcies, which, in the supposed case, would be annually given by ministers.

The cadetcies are by no means of equal value; the marine are below the military, and the latter again differ, not only according to the particular presidency for which they are destined, but as they are intended for the engineer, the artillery, the cavalry, or the infantry lines, those of the three former classes being the most valuable. Without adverting to these distinctions, it may be roughly estimated that, under the existing system, the cadetcies with which the minister is annually complimented by the Court of Directors, average at $9\frac{1}{7}$. Consequently the patronage of the Crown, with respect to this department,

* See the Company's Records, passim; and Moor's Hindu Infanticide.

† See Appendix, No. I.

would, by the proposed change of system, be multiplied fourteen-fold.

If now the accessions of patronage which the Crown would receive in both the departments that have been considered, be added together, they will amount to 154 writerships and cadetcies. That is, the ministers of the Crown would annually have it in their power to confer situations, in fact for life, on more than a hundred and fifty individuals; and these situations, not paltry clerkships or waiterships, but all of them such as may confer respectability on youths of patrician connexion, many of them such as the sons and nephews of members of parliament, and even the younger branches of the nobility, might aspire to fill, and which it is well known that persons of those classes frequently do aspire to fill.

The acquisitions of ministers would not stop here; for the Directors of the Company annually appoint to their settlements other servants besides writers and cadets. They appoint a certain number, not indeed fixed, but floating within calculable limits, of medical practitioners, both physicians and surgeons, although, in the phraseology of the service, all pass under the latter appellation. They appoint clergymen, under the denomination of chaplains, to the several presidencies, in such a manner that a given number may be attached to each. They appoint so many barristers and attorneys as may seem proportionate to the juridical practise of the supreme courts of Ben-

gal and Madras, and of the parallel courts at the other presidencies. They farther, annually appoint, under the designation of free merchants, a supply of persons who may, on private account, embark in the country trade of British India. They, lastly, license an inferior description of persons to resort to India in a private character, under the title of free mariners. Reasons may appear, in the sequel, for doubting whether any sensible proportion of these appointments would be superseded by the abolition of the present Indian system. It seems, however, safe here to assume that no change would entirely supersede the legal appointments; that the medical appointments would, under every change, be little affected; and the clerical not at all. At each presidency the Company have both barristers at law and attornies officially in their employ, as advocates-general, standing counsel, or solicitors to the Company. Similar law-officers must of course be instituted on the part of the Crown.* The surgeons whom the Company nominate would also, in a great measure, remain to be appointed by the Crown. Many of them are attached to the army; others to the governments in India; others to some of the stations, judicial, financial, or commercial. In any event, the army would require to be furnished as now; nor could the

* The Appendix, No. V. gives only the whole number of barristers and attornies licensed by the Company.

medical demands of the local governments be left to the casual supply of unofficial practitioners who might resort to India on the mere chance of employment. In any event, too, the judicial and financial stations dispersed up the country could not possibly afford a sufficient field to tempt the residence of an European practitioner, without the assistance of a stipulated salary from the state. The medical persons, therefore, on the Indian establishment, would remain, with the exception of the small number made requisite by the addition of the commercial department. What that number is, cannot exactly be computed; but we shall probably much overrate it at twenty out of the two hundred and fifty-five surgeons* now serving the Company. With regard to the clerical establishment, this source of patronage must necessarily remain somewhere; and, if not with the Company, it must pass to the Crown. The number of chaplaincies for Bengal is sixteen; for Madras, fifteen; for Bombay, five; in all, thirty-six:† and they are situations of the highest respectability. On the whole, of the three departments, legal, medical, and clerical, the disposable places, and these, in effect, places for life, amount to about two hundred and ninety; all which would, in the case supposed, swell the influence of the Crown.

* See Appendix, No. III.

† See Appendix, No. IV.

This estimate does not exhaust that division of Indian patronage which is dispensed immediately by the hands of the Company at home, and which, therefore, would constitute the first and the legitimate acquisition of ministers. Closely connected with the patronage of appointments, is that of recommendations. A Director, where he is able, naturally furnishes a youth in whose success he is interested, with introductions and testimonials to persons high in the Indian service. Such introductions the young candidate may find eminently conducive to his progress. In cases of equal, or nearly equal, claims, the favour of those in authority will generally strike the balance. To the Directors, this source of influence is manifestly limited; for they can grant the recommendations in question, only in proportion to their individual acquaintance with the high Indian functionaries. The recommendations of a minister, supposing him to have himself appointed those functionaries, could know no limit, short of that point at which they must inevitably clash with each other. Even this boundary they would probably exceed; for they might be lavished in order to serve a temporary purpose, with little solicitude for their success, and little heed of their failure. It is no very new event for official patrons to overdraw their credit in promises; and especially, where they know that the period of detection is at a distance.

But, besides the sources of individual influence

thus open to the Directors, there are important functions of patronage which they exercise collectively. They extend compensations to those who have sustained loss in their service; they decree pensions or gratuities to those who have served them well. Nor is this munificence confined to their stated servants, but it includes also incidental claims. The naval commanders, for example, whose signal prowess overthrew, in Syria and Egypt, the Asiatic projects of the French republic, experienced, as they well merited, the remunerative bounty of the Company. Farther, it occasionally happens that, of the numerous individuals employed in the Indian service, some for misconduct real or imputed, are reported, perhaps suspended, by their superiors. The ultimate decision, in such cases, rests with the ruling powers at home, who may censure or acquit, may disqualify an offender or annul a disqualification unjustly inflicted. All these are substantive means of influence; and they are means, let it be observed, capable of indefinite enlargement. By the Court of Directors they are not exerted to excess, because they attach to the body collectively; for, in the application of them by the body, individual wishes are over-borne by the general interest, which is no other than that of the Company. In the distribution of pecuniary liberality, the Directors, it should be observed, act under an additional check; being * precluded from

* 33 Geo. III. cap. 52, § 125.

the grant of any salary, increase of salary, pension, or increase of pension, to any one person, beyond the sum of two hundred pounds per annum, without the consent of the Board of Controul.

In this place may be mentioned the political patronage dispensed by the Company in the maintenance of their establishment at home. Of that establishment, indeed, the greater portion is rendered necessary by their commercial concerns; but the rest must, in some shape, survive the dissolution of the Company, and would then pass into the management of the Crown. The magnitude of what would so remain cannot conveniently be computed; but no very low estimate of it will be formed by those who reflect on the vastness and complexity of the political transactions that must necessarily take place between such a country as England and such a dependency as India. For the subordinate details of those transactions, a great number of accountants, auditors, cashiers, registers, secretaries, clerks, messengers, and other petty officials, will be required; while the more elevated province now occupied by the Directors must be supplied by the creation of a variety of new and most important offices of state. If, to the cost of these places, we add the expenses of the fiscal establishments that must be erected, partly for the collection of the duties which the government derive from the commerce of India, and partly for the prevention of a contraband traffic in Indian merchandizes, we

shall probably little overrate the amount of the patronage which will accrue to the Crown in the Indian department at home, if we fix it at the annual sum of seventy or eighty thousand pounds.

Such would be the accession to the ministry of the means of influence, on the assumption that their actual interference in the disposal of Indian patronage were confined to the limits now observed by the Directors of the Company. Surely, however, it admits of great doubt whether this be an allowable assumption. Under the present system, the major portion of that patronage is distributed in India; partly, by the impartial and inexorable operation of certain known rules, partly, by the selecting option of the local authorities. The practsie has every sanction from public convenience, and every confirmation from established usage; but neither public convenience, nor established usage, will secure it against invasion under a total change of circumstances.

The peculiarities in the present Indian constitution, which operate as the main preservatives of the practise in question, are two; equilibrium of powers, and publicity of proceedings. That the Directors of the Company and the President of the Board of Controul, are, like other men, liable to the sway of selfish motives, may readily be believed. The desire of being ascendant, and the desire of multiplying retainers and connexions,—the love of power and the love of patronage,—are as consonant to human nature, as

it is consonant to vegetable nature that a tree should shoot its branches into the air, and strike its roots into the earth. But the form and genius of the Indian system in the two points already specified, counteract the natural operation of these principles. There is a balance of power, and, by inevitable consequence, a balance of selfishness. The interested wishes, the individual preferences, by which the minds of the component authorities may be actuated, clash together, and are destroyed. This species of interaction prevails in the Court of Directors, considered as an assemblage of co-ordinate patrons; and, what is more to the purpose of the present discussion, it prevails between the Company on the one hand, and the ministers of the Crown on the other.* The respective provinces of the two powers, as components of the Indo-British government, are, to all practical ends, adjusted with nicety, and, at the same time, all that passes in every department, is seen and known. No usurpation, therefore, can take place by stealth, or neglect, or accident. Any demonstration, on either side, of a disposition to encroachment, is instantly detected, under so strong a light, on a boundary so finely and firmly drawn. Jealousy is excited; and, in case of necessity, both parties are ready with an appeal to parliament.

Hence it arises, agreeably to the representation

* See Chapter I.

in the former part of this chapter, that, at present, the ministers of the Crown exercise, in effect, no controul over the promotion of the individuals in the service of the Company. But let the difference be observed between the present and a ministerial government. To speak of the balance of power, or of the publicity of proceedings, within the office of a secretary of state, would surely be too ridiculous. The minister may, unchecked, appoint or displace the individuals constituting one of the Indian governments; and, armed with the terror of this power, he may secretly transmit to those individuals whatever orders he will. The mutual discussions which might accompany the transaction, would, in fact, be mere cabinet-conversations, little more implying that real conflict of sentiment which is *balanced power in action*, than if they were so many soliloquies uttered by a single despot in his loneliest chamber. Amidst these opportunities, it is not easy to perceive what obstacle could be opposed to a plenary exertion by the minister of the right which, if he succeeded to the prerogatives of the Company, he would possess by law,—that of interference in the promotion of the Indian servants. The facility, however, of such interference once proved, all is proved. So rich a field of ministerial influence could scarcely be expected to lie fallow, while two parties should have the strongest interest in the complete cultivation of it; the minister who would bestow the patronage, and the

Indian servant who would receive it. The certain consequence is, that transformation of the Indian service into a scene of political intrigue which was described in a former page.

When it is considered that the civil covenanted servants of the Company, exclusively of those employed in their commercial department, amount to five hundred and eighty nine,* some notion may be formed of the means of influence with which the supervision of the civil part of the Indian service alone would strengthen the Crown. It is not necessary to suppose that the supervision shall be exercised in every individual instance of a vacancy; an exercise of it, very large, and discretional, is all that the argument requires. Neither is it necessary to suppose any evasion of the statute which makes a certain length of service an indispensable condition to the receipt of a certain amount of salary. The same statute, it should be remembered, legitimates the *provisional* appointment of governors and other high officers, and does not appear to prohibit inferior appointments on the like terms. Even if it did, its prohibitions could not extend to the personal promises of ministers; in whose pleasure it must always lie, thus to antedate, if the expression may be used, their regular opportunities of bounty, and live on the capital of their influence.

In the military department, the extension of

* See Appendix, No. II.

ministerial patronage, though less vast, would also be very considerable. It was shewn, in the first chapter of this work, that the rule of promotion by seniority, with whatever strictness enforced, must always, in the irregular and desultory services of war, leave ample room for the operation of choice. The choice must, indeed, immediately belong to the local commander-in-chief; but, in the case supposed, it would belong to a commander-in-chief exclusively appointed by the Crown; and the value of this species of patronage, though it be not exactly within the reach of pecuniary computation, would be perfectly palpable in the effects produced. Under this head must likewise be noticed the staff-appointments held by officers in the army of the Company; and the allowances which the Company grant to persons of their military establishment, who have retired from the service. Though the staff-appointments in India are 478 in number,* yet there do not appear on the list above thirteen officers belonging to the service of His Majesty. Of military officers retired from the service of the Company on allowances, the number is at present 330, and the amount of the allowances £91,616.† Here, therefore, are two copious sources of patronage, and, both, apparently, very capable of enlargement. Here, also, may be noticed the Bombay marine, which, as has been shewn, must be maintained under any system, and which em-

* See Appendix, No. VIII. † See Appendix, No. IX.

ploys 104 naval officers, besides 574 persons of inferior rank. There are also retiring allowances annexed to the marine service; but of these the present amount is inconsiderable.*

These statements and remarks relate to the situations *ordinarily* comprised in the Indian service; but, besides these, *extraordinary* commissions, or other offices of a temporary nature, are sometimes created by the local governments, for particular purposes, the persons selected being, as the object in view may require, either civil or military, and the emoluments proportioned to the importance of the employment. Pensions, also, are granted in India, to meritorious and unfortunate individuals in the civil service.† To what extent might not such occasional means of patronage be multiplied under the administration of a ministerial viceroy, checked on the spot only by a council of ministerial appointment, and inspected from England by the ministers themselves?

Under the same division may be mentioned a variety of places, which, though not included within the regular civil service of the Company, that is, the civil service under covenants, yet form a necessary and a stated division of the Indian establishment. These places are in the nature of clerkships, secretaryships, petty agencies, and other similar offices of an inferior nature. Though subordinate, they are respectable, and, in fact, are

* See Appendix, No. X. † See Appendix, No. XIII.

frequently bestowed on the sons of European gentlemen by native mothers, a description of persons debarred from the covenanted service.* Nor is their number inconsiderable; excluding those attached to the properly commercial department, they amount to 792.† In the existing state of things, these minor situations escape the grasp of the ministers of the Crown; nor can they easily fall within that grasp, while the local governors, in whose gift they are vested, maintain their present independence. Ministers, also, being excluded from the principal shares, have the less ready access to the offals, of Indian influence. Under an altered system, they might find this minor patronage a very substantive resource, and that its emoluments, though scarcely in themselves worth a voyage of cupidity to the East, will yet, if the allusion may be allowed, very commodiously form an assortment with imports of a more precious nature. Neither, apparently, can any reason be given, why, in the event imagined, the places in question should not gradually be rendered both more numerous and more lucrative; nor why, let it without offense be added, instead of furnishing a respectable asylum to Indo-Europeans of the mixed blood, they should not be worse employed in the maintenance of individuals connected with jobbers and borough-mongers at home.

The evils which have been described might

* See Chapter II. † See Appendix, No. I.

take place, even though the regulation which fixes a certain proportion between the advancement of the Indian servants and the length of their past service, continued uninvaded. That law stands, indeed, on principles, both specific and general, of such strength, that the direct repeal of it is, under no circumstances, likely to be attempted. Its specific merits, with regard to the circumstances of British India, were set forth in the last chapter; and, for a general rule, no maxim can be clearer than this, that, whatever revolutions of system or dynasty a state may undergo, the particular machinery by which the detail of the government is conducted, ought never on light grounds, nor suddenly on any grounds, to be discomposed. The regulation in question would, therefore, be in form respected; but we may not infer that it would escape great practical infractions, and these, perhaps, the more pernicious because silent.

This is no romantic conjecture, but naturally follows from the trite adage, that laws will not execute themselves. In the case supposed, what security would exist for a due attention to this, or to any other similar rule, or to any number of such rules? By the hypothesis, no independent authority is to be erected, either in India or in England, which shall officially watch the process of the Indian service. All is left to the self-mistrust, self-examination, and self-denial, of the British cabinet. Under such an arrangement, it is not difficult to perceive how the

law in question might be rendered abortive, and that, without any positive or presumptuous malversation. An instance is on record, in which a Governor-general reduced the salary of an office, in order that he might be able legally to confer it on an individual below the requisite standing. That this was an evasion of the law, seems plain. When the law enjoined that, in proportion to the salary of an office, should be the experience of him who was to fill it, it assumed that the salary of an office was the best practical criterion of its importance.* To diminish that salary, therefore, without lowering that importance, is to falsify the criterion assumed by the law; it is to alter the measure, in order that we may not fall short of it. Such irregularities, however, may occasionally be justifiable on public grounds; and that this was the case in the instance under consideration, a more decisive proof cannot be given than the name of him by whom the measure was adopted,—Lord Cornwallis. But the circumstance shews how the rule may be eluded; an enterprize, in which vice might not discover less ingenuity than virtue, especially when the operation was to be conducted in the dark. A Governor-general, acting in concert with a minister at home, might break down high offices into their aliquot parts; he might reduce the ostensible value of an office by lowering its regular profits, while he compensated for the loss

* See Chapter I.

by the addition of irregular and variable perquisites; he might add extra-perquisites to a low office, thus increasing its real far beyond its nominal lucrativeness; he might multiply the uncovenanted assistants in the service, and contrive that these irregulars should gradually supersede, both in official importance and in emolument, the stated and covenanted functionaries; he might, under various pretexts, divert a portion of the regular business of the service into the channel of special commissions. By means of these expedients, and others of a like nature, which it would cost little labour to imagine, and, unfortunately, but little more to practise, the legal ramparts erected against premature and interested promotion might be penetrated without noise, and it is conceivable that they would afterwards serve only to cover and entrench the abuses which they had failed to exclude.

Some may speciously urge, that the interference of the British ministry with the discretion now exercised by the local Indian governors in the regulation of the service, would greatly reduce the influence annexed to the exalted stations of those persons, and, since these are the best Indian offices, would thus deduct from the patronage of the Crown at one end what it added at the other. But the deduction, however great, would by no means balance the addition; and, in truth, it is open to great doubt whether, with reference to the current notions of mankind, there

would be any deduction at all. Were the constitution of the service altogether unhinged, and its prizes made accessible to the grasp of official rapacity, it does not immediately appear why the local governors should not, without any material encroachment on the shares of their employers, gain an ample dividend of the spoil. The change of system, then, while undoubtedly it would derogate not a little from the erectness and independence of character which those high functionaries at present maintain, might, in vulgar eyes, more than supply the difference, by unclosing to them many sources both of influence and of emolument from which they are now debarred.

Let it be recollected, that the estimates which have been here exhibited embrace only the establishments of the three presidencies of Bengal, Madras, and Bombay. They might easily have been enlarged, by an analysis, equally minute, of the official situations attached to the establishments of Prince of Wales's Island, Canton, Fort Marlborough in the island of Sumatra, and Saint Helena. Nor will it escape recollection that the recent extension of the British dominion over a considerable part of the Indian Archipelago has not more surely added lustre to the national fame, and strength to the national commerce, than it has opened new and copious, although hitherto unsounded, sources of influence to the government under which the conquests in question shall be placed.

Perhaps, the reader will now be induced to ask, whether any preventives or palliatives have been devised for the mischiefs which the proposed change of system thus glaringly appears to menace. On this head, the advocates of change have probably not altogether methodized their ideas; for they furnish nothing beyond obscure and desultory hints, scarcely susceptible of discussion. So far as can be discovered, however, the helps on which they rely are of two kinds, though, in fact, of the same family. They tell us, in the first place, that the British parliament is the proper guardian of the state against ministerial misconduct and abuse. In the next, they contend that restraining laws may be framed, which shall prevent the abuses apprehended in this particular instance.

With respect to the first point, it seems no reflexion on the general efficiency of parliament to doubt greatly their competency for the active and circumstantial superintendance of Indian affairs. It is vain to suppose that the empire of India, a distinct world, moving in a trajectory of its own, can be minutely inspected by large deliberative assemblies, meeting in a distant quarter of the globe, and intent on an innumerable variety of concerns nearer home. India, it will be observed, is unprovided, not only with actual parliamentary representatives, but also with that species of interest in parliament which results from a local affinity to individual members, and to which perhaps might be applied the term, sometimes not

very intelligibly used, of *virtual* representation. Parliament can learn the occurrences of this separate kingdom only by accident, and attend to them only by snatches. The most important consideration, however, is yet behind. By a skilful distribution of Indian patronage among members of parliament, the minister is enabled to conciliate the very persons by whom he is to be controuled. By multiplying his offenses, he propitiates his judge.

It may be urged, perhaps, that, if these things are so, mankind have been accustomed to lavish very undeserved praises on the British constitution, and on its boasted organ of parliament. That organ must be unequal to its intended purpose, if it cannot check the misuse of power and patronage by the executive government. It would surely be one sufficient answer to the objector, that India has no constitutional connexion with the British parliament; but the truth is, that the objection can hardly be stated in any such terms as shall disguise the gross fallacy which it involves. Parliament checks the Executive by virtue, not of its name, but of its power. There is an actual equality of weight between the bodies. But, if we considerably increase the power of the Executive, if we materially add to the weight of one of the balancing bodies, other things remaining the same, the check, the equilibrium can subsist no longer. It seems strange to argue that the equilibrium would continue perfect then, because

it had been so before. The question is, whether the influence of the Crown, if it were greatly extended, would not become too great; the answer is, no, for it is exactly great enough.

The other device by which the apprehended misapplication of Indian patronage is to be checked, consists in the enactment of a new code of restraining laws. But the difficulty will still recur,—by whom shall the execution of those laws be enforced? and there is but one answer,—by parliament. No independent authority is to be created as a check on ministers; for, if there be, why should not the Court of Directors be that authority? No inspector is left, therefore, but parliament;—a circumstance, sufficiently demonstrative of the inadequacy of the expedient.

The pecuniary value will possibly be enquired, of the whole patronage which the Crown would gain by superseding the Company in their political capacity. There are many items of that patronage, which cannot enter into a pecuniary census. The selection of particular military officers for particular services, and possibly services ensuring to them great acquisitions of prize-money; the allotment, to individuals in the civil service, of particular stations highly convenient in other views than simply that of emolument; the restoration of dismissed or suspended servants, to the service or to their former rank; the permission of furlough, or temporary absence from the service, civil or military; the immense stock of influence arising from reversionary or promised appointments, which,

however, being purely a capital of credit, can make no appearance in an account of the annual disbursements of the service, to whatever magnitude it may be increased; these and other very solid advantages are yet incapable of numerical valuation. Still, it may not be useless to exhibit all that will admit of being so valued.

In the following table, care is anxiously taken to proceed on moderate assumptions. On this principle, the expenses of the commercial establishments of the Company are wholly excluded, and, as being blended with them, those of the salt and opium monopolies, though the latter departments are of a strictly fiscal nature. The pay and allowances of the officers of his Majesty, serving in India, are also excluded, although both are derived from the Company. The pay and allowances of the military staff-appointments in India are excluded, although the greater proportion of those appointments are conferred on officers in the service of the Company, and would, therefore, become a decisive addition to the patronage of the Crown. It was, however, found difficult to assign the pecuniary amount of this addition. The salaries of the governors and commanders-in-chief are also excluded from this table, although the difference between the indirect share which the Crown now possesses in the disposal of those emoluments, and that plenary command over them which it would derive from the new system, would be found enormous. They are excluded, however; for it was feared that some cavil might

be raised respecting the assigned quantum of the accession. The salaries allowed by the Company to the legal advocates and attornies officially in their employ, not being immediately separable from certain other charges, are also excluded. The entire expenses of the Indian establishment at home are also excluded. What might be the amount of those expenses under a royal government, must necessarily be a matter of conjecture, and would open a ground for altercation. The pensions granted by the Company in England are also excluded. Lastly, the disbursements for the establishments of Prince of Wales's Island, Canton, Fort Marlborough, and Saint Helena, are wholly omitted. In return for all these sacrifices on the part of the argument here maintained, the only two advantages taken are so slight and almost evanescent, that they might, without objection, observation, or effect, have been tossed into the scale on either side. The salaries granted to the very trifling addition of medical men made requisite by the commercial establishments, not admitting of exact discrimination, have been suffered to remain blended with the rest. The pensions granted to Europeans in India are also included as a head of patronage; although an inconsiderable proportion of the pensioners may have belonged to the commercial department. These circumstances are only mentioned for the sake of fairness; for, to any practical purpose, they absolutely make no difference at all in the result of the table.

*View of the annual value of the patronage which the ministers of the Crown would possess by superseding the Company in the government of India.**

	£.
Salaries and allowances to Europeans in the civil, judicial, revenue, and marine establishments, of the Indian service	1,463,843
Medical establishments in India	159,332
Clerical establishments	40,995
Pay and allowances of the military officers of the Company	1,598,019
Pay and allowance of officers retired from the service of the Company. .	94,360
Pensions to Europeans in India	11,269
Total........	3,367,818

Now, from the amount of these items, we should, in strictness, subtract a sum equivalent to the presumable value of the very few writerships or other appointments with which, as has already been stated, the Court of Directors usually compliment the President of the Board of Controul. That value is not easily definable in figures; but, on no principle of computation, can it be made greatly to exceed 20,000 pounds. Call it 25,000; and the difference would still be unfelt; for we shall then merely reduce the account to £3,342,818 per annum. But if, on the other hand, an allowance is made for the very large items purposely dropped

* See the tables in the Appendix.

out of this aggregate, the result might probably exceed, it certainly could not fall below, three millions and a half. That is, grantable places, to the annual amount of three millions and a half, would be at the disposal of the minister.

Let it be assumed that, for some reason or other, the minister should forbear to make the full use of the prodigious engine which would thus be placed in his hands; and, as an equivalent for this reserve, let us strike off one million from the account. It will, on this very moderate assumption, appear, that the annual value of his acquisition is still two millions and a half.

It matters not that, from the length of time during which many of the situations included in this estimate might be held, the whole sum mentioned would not be annually disposable. The permanence of the situations plainly adds to the value of those conferred, all that it deducts from the extent of the annual distribution. In estimating, also, the effect of patronage, we must consider, not merely the sum of enjoyment and obligation which it produces, but the quantity of hope, expectancy, attendance, and solicitation, which it sets in motion. If it be true that he who confers a place "makes one man ungrateful and many discontented," it will follow that a future and uncertain favour affords a surer pledge of dependence than one which is granted and has done its work.

Agreeably, however, to the narrower mode of contemplating the subject, it may not be useless to

compute what proportion of this vast amount of patronage would be actually in the market each year. It is said to be an established law of probability that, of thirteen individuals casually assembled together, one will die within a twelvemonth; whence has arisen the vulgar superstition respecting the unluckiness attending a company of that number. On this ground, it might, perhaps, be assumed that, of the offices in the Indian establishment, every thirteenth would annually fall vacant by death; but the casualties of dismissal for misconduct, or of voluntary resignation, with a view either to farther promotion or to retirement from public life, must greatly increase the probability of a vacancy. It seems a very temperate assumption, that every tenth office would annually be vacated. According to that rule, the minister would, at the commencement of every session of parliament, have, at his immediate disposal, vacant offices annually yielding two hundred and fifty thousand pounds; or, on an average, two hundred and fifty places of a thousand pounds a-year.

Let it not be imagined that these representations are extravagant. On the contrary, not only do they stand on moderate grounds, but some considerations entirely favourable to the general effect of the argument pursued, have hitherto been kept out of sight.

First; no doubt seems to be entertained that a free trade with India would augment the number of British residents or visitants in that country. The oppo-

nents, indeed, of the Company, sometimes insinuate that the destruction of the commercial monopoly would, so far, greatly reduce that number. These sparingly informed persons have not, perhaps, considered that the far greater part of the British establishments in India is the creation of war, revenue, and policy, not of trade. Of five thousand and fifty-eight individuals employed by the Company in India, either as military or marine officers, or as civil servants, covenanted or uncovenanted, not above one hundred and two will be found engaged in the commercial department. Those, then, who maintain that, if the extensive regions comprehended within the charter of the Company were thrown open to individual enterprize, "new avenues of commerce would be explored, new sources of barter be discovered, the consumption of our manufactures widely extended, and the tonnage of our shipping correspondently increased*;" who doubt not that, "if the trade of this United Kingdom were permitted to flow, unimpeded, over those luxuriant and opulent regions," "such new and abundant markets would be discovered and established," as would enable Great Britain to defy the efforts of France †; or who think, with no less an authority than Dr. Adam Smith, that "the East-Indies offer a market, both for the manufactures of Europe, and for the gold

* Hull Resolutions. † Sheffield Petition.

" and silver, as well as for several other productions " of America, greater and more extensive than " Europe and America put together *;"—these persons must, on their own principles, believe that the abolition of the monopoly would introduce into India a far greater body of commercial agents than it would dismiss or exclude. That the numbers of the Indo-British community would be greatly increased by the allowance of a free commerce with that country, certainly seems unquestionable. But, in some proportion to those numbers, must be the extent, and, consequently, the emoluments, of the Indo-British establishments. The fiscal, judicial, legal, and police officers must evidently be multiplied; and, in offices already existent, European functionaries must be employed, where natives sufficiently answered the purpose before. The clerical establishment must be enlarged, and probably also the medical. Nor, with regard to most of these departments, will the necessity for an increase be at all less palpable, if Europeans in India are permitted to become, at pleasure, proprietors of land; to enterprize, throughout the country, in mercantile or manufacturing speculations; and thus to enter into extensive dealings with the natives of the interior.

Secondly, if it should be said, that so wide an extension of commercial liberty is neither meditated nor advised, but that, on the contrary, the

* Smith's Wealth of Nations, Book IV. Chap. 7.

individual adventurers who may, under the sanction of the new system, resort to British India, will be committed to the strict supervision of the local governments, it then becomes us to recollect that the maintenance of such restrictions must itself constitute a fund of patronage. As to all the purposes of patronage, the restrictive system of the Company would exist still. In effect, some among the opponents of the Company do formally recommend that no British subject be allowed to enter India without a licence from the government at home. This provision would only revive, but probably with a great and an increasing augmentation of numbers, the *free merchants* and *free mariners* of the Company; that is, it would unfold an indefinite field of influence to the Crown.

Omitting, however, these topics, if they may be so called, of aggravation, it would still remain to be asked, whether an arrangement is desirable, which should place in the hands of the British cabinet offices amounting, in salary, to upwards of three millions sterling, together with the many appendant means of patronage not tangible by an account in figures. Surely he who deprecates such an event as pregnant with imminent danger to the balance of the constitution, is not necessarily actuated, either by a spirit of system, or by irrational prejudices, or by a licentious and anti-monarchical principle. Every thinking mind will at least hesitate before it acquiesces in the opinion of the author of the Considerations upon the Trade with

India, that the transfer of the political functions of the Company to the Crown "probably might "not gain many votes in parliament, and decide "very few elections."

Notwithstanding these hazardous predictions, the adversaries of the Company have, on the whole, found it hopeless to palliate the extent of the means which the full command of the Indian patronage would confer on the Crown. They have, therefore, rather chosen another ground than that of defense—the ground of retaliation. They have retorted on the Company, that the ministers of the Crown already enjoy, not indeed ostensibly, but in effect, the greater share, if not the whole, of the patronage of the India-house. In proof of the existence of this secret influence, they have partly dealt in vague but confident assertions, and partly insinuated rather than stated facts, of which an ordinary reader can scarcely possess the means of sifting the truth. Those who are aware of the magnifying effect of darkness, will do justice to the policy of these obscure disclosures, and, at the same time, will not wonder if, on the contrary side of the question, an endeavour is made to develope the mystery.

It may be expedient to commence the investigation of this matter with a full exposition of the charge. For such an exposition, recourse might be had to the author of the Considerations; but there is another writer who, actuated by a somewhat different intent, though an intent equally hostile to the Company, has preferred the accusa-

tion with at least equal force and dexterity, and certainly with not less candour or fairness. This is a writer in the Edinburgh Review,* who, asserting the magnitude of the influence of the Crown, brings forward the disposal of Indian patronage as one very glaring illustration of his thesis. His words on the subject shall be quoted, as the text of the remarks which are to follow; although, in the course of the commentary, a cursory glance may occasionally be thrown at parallel passages in the Considerations.

" The Company, existing by the sufferance of " the government, are as entirely under its con- " troul as any other of the departments. Suppos- " ing it to be true (which is quite false), that the " cadetcies and writerships are all given by the " Directors, and that none pass through the Board " of Controul,—has the Treasury nothing to say " in the constant elections of Directors? How " often is a place of this kind refused by the Court " of Leadenhall Street, to its ' august and pow- " erful ally' the Court of Whitehall? How many " men are Directors, who oppose government in " Parliament, or elsewhere? How many are sent " to command or collect tribute in India, who are " themselves either enemies to government, or " connected with such adversaries? How many " men return laden with wealth from such em- " ployments, hostile to arbitrary power, to the " Court, or to the ministers of the day? Even on

* No. XXXI. Art. 8.

"a smaller scale, the servants of the Company in "London may be reckoned by regiments: there "are three battalions of *volunteers* (as they are "called) belonging to the India-House. Above "two thousand five hundred of these are actually "in the Company's employ; and many of those "little comfortable places are tenable with other "pursuits. How many of these persons, or their "children, or even brothers, would venture to vote "for the popular candidate in Middlesex or West-"minster? How many of them would disregard "a canvassing hint from a Director, or, having "stood out against such an attempt, would resist "a word from one of the '*Chairs?*' and, how "many Directors or '*Chairs*' would canvass "against the Treasury? But with respect to "India, and the Company's establishment in "Asia as well as Europe, it is enough for us, that "it supports thousands, and hundreds of thou-"sands in most desirable situations; and that all "those persons knowing how closely the Indian "system is connected with the government, regu-"larly support the government, or, in other words, "lean distinctly towards the Crown, or strengthen "the hands of whatever men the Court may select "for ministers;—and this most powerful support "is now enormously increased, by the increase of "the empire in India as it is called,—an empire "only really valuable to the executive govern-"ment, and its servants in place."

It is hardly necessary to say that the questions which fill up the greater portion of this paragraph,

are in reality so many propositions. Indeed it would not be necessary to say this at all, if there were not some use in observing the convenient *vagueness* which these propositions derive from their interrogative form. As they here stand, if the Treasury has *any* thing to say in the elections of Directors, if *any* men are sent, by means of ministerial influence, to command or collect tribute in India, if, in *any* instance, a Director has canvassed among the warehouses of the Company for a ministerial candidate in Middlesex or Westminster; if, in short, ministers influence in the very slightest degree the disposal of Indian patronage, —the implied allegations of the writer are, as it were, verbally made out. But it is evident that they are not made out to any practical purpose, unless the existence of a sensible and even a very extensive influence on the part of the ministry over the Company, can be proved. Thus only can the assertion be made at all probable, with which the accuser commences, but to which he certainly does not steer closely up in his progress, that the Company are as entirely under the "controul of the "Government, as any other of the departments."

In this view, then, it may safely be affirmed of all the propositions expressed or implied in this passage, that they are either nugatory or erroneous. If they are meant of a very trifling degree of influence, they are true but nugatory; if of a considerable degree of it, they would be important if they were not erroneous.

This distinction, it must be evident, is at least as well worth notice in the question under our present consideration, as with regard to the general subject of the influence of the Crown, which the reviewer is discussing. The point now is, whether the direct transfer of the whole political patronage of India to the minister would greatly increase the influence of the Crown. The position has been denied on the ground that the minister already commands that patronage or the greater part of it. In such a crisis of the controversy, the degree in which the minister commands that patronage, is manifestly a most essential consideration; and, even if the share which he possesses be in some other view great, yet if, in comparison with the whole, it is little, all that was required is demonstrated. Let us therefore proceed to examine severally each item of the charge.

First, it is asserted to be "*quite false*, that the "cadetcies and writerships are all given by the "Directors, and that none pass through the Board "of Controul."

It will be seen at once that this assertion, though not put interrogatively, yet completely falls under the preliminary remark just made. The fact unquestionably is, that the cadetcies and writerships are *not all* given by the Directors, and that *some* of them do pass through the Board of Controul; or, to represent the matter more correctly, that some of them are given by the Directors to the President of the Board; and this, not clandestinely,

but openly and avowedly. Will the magnitude of the donation, however, make no difference? Rather, will it not make the whole difference? A similar question might be put to the author of the *Considerations*, who observes, that, "at present, that government must manage very ill indeed which does not obtain some share of India patronage," and that he "speaks of what is notorious and undeniable," but totally omits to assign the value of the share thus notoriously and undeniably obtained.

The fraction of patronage, in the original appointments of the Indian servants, which is annually allotted to the President of the Board, as was before stated, never exceeds the limit of about one fourteenth. It is wholly and fundamentally untrue that the India Board, or any other Government-Board, obtain, directly or indirectly, openly or secretly, the greater share, or indeed more than a very small share, of the writerships, cadetcies, surgeonships, and other annual nominations of the Court of Directors.

This, like every other negative averment, labours under the inconvenience that it is hardly capable of demonstration. At least, it could be demonstrated only by a minute history of the manner in which the Directors have severally disposed of their patronage for some years past. The materials of such a history are, in a good measure, perhaps, attainable, but they certainly could not be presented to the public within the compass of several volumes. Fortunately, the labour both of com-

posing and of reading such a compilation, may be dispensed with. It might be sufficient, indeed, to have challenged the proofs of the accuser; but it is possible to do more than to silence crimination; and this is, by reminding the public of the perils under which the challenge is made. It will be recollected that, in March 1809, a Committee of the House of Commons was appointed "to inquire into the existence of any corrupt practices "in regard to the appointment and nomination of "writers or cadets in the service of the East-India "Company," and that this Committee did actually sit, and make a report accordingly. Now, though it was not the province of this Committee to ascertain what share of the patronage of the India-House had ordinarily been assigned to the Board of Controul, yet, in point of fact, the Committee jealously sifted the disposal which had been made of that patronage for several years. The members of it, therefore, had a full opportunity of judging how far the interference of government with respect to Indian patronage ordinarily extends; and, in the face of judges thus qualified, it would be the extreme of temerity in the advocates of the Company to provoke discussion on the point if they were not satisfied of their safety.

Indeed, the report of the Committee does itself indirectly corroborate the fact, that the patronage of the Directors is generally dispersed in private channels. Of the many writerships and cadetcies mentioned in it, it will be seen that by far the greater number were bestowed on the personal

friends or acquaintances of the donors. The same thing too must be notorious to all who have had opportunities of observing for themselves the course of India-House patronage. The sons, the nephews, the more distant relations, the connexions, the dependents, of Directors; such are the channels into which this fund of influence is usually distributed, and through which it diffuses itself without endangering the integrity of our political system.

Secondly, it is asked whether the Treasury has "nothing to say in the constant elections of Directors ?"

The question conveys a reflexion, not on the Directors, but on the Proprietors of India stock, by whom the Directos are chosen, and than whom a more independent body does not exist. They are, in fact, individuals of various classes; and the elections of Directors are wholly popular. During the administration, indeed, of Mr. Pitt and Lord Melville, the popularity of those statesmen, which was so preponderant throughout the kingdom, produced also its effect on the Court of India Proprietors. Even then, however, the wishes of the government were repeatedly crossed in the elections at the India House. At the present period, of the two thousand proprietors it would probably be difficult to find more than fifty who can fairly be considered as under ministerial influence.

Of the general independence of this body some proofs will be given in the sequel. Of their independence, also, in the article of the elections of Directors, one satisfactory proof will be given, namely, the independence of the Directors whom they have elected. It is impossible, however, not to mention this simple fact, that within the last six or seven years repeated instances have occurred of elections carried against a candidate supported both by the administration and by the Court of Directors. Of such a victory, two instances, the oldest of which occurred not four years ago, shall be submitted to the reader.

The parliamentary committee, already mentioned, of March 1809, discovered that one of the six Directors then out by rotation had, within the three years preceding, given three writerships to a relation of his, who sold them. The committee, however, in their report, entirely acquitted the Director in question of all connivance at this shameful transaction.* Within a fortnight after the appearance of the report, came on the annual election of six Directors, on which occasion, as was stated in a former part of this work, it is usual for the Ex-directors to be re-elected.

* "It is a satisfaction to your Committee, throughout the "whole evidence, to remark nothing which traces any one of "these corrupt or improper bargains to any Director, or in-"duces a reasonable suspicion that it was done with the privity "or connivance of any member of that court."—Rep. p. 3.

Considerable odium having gone forth against the gentleman whose confidence had been abused with respect to the three writerships, the Court of Directors took pains minutely to investigate his case, and, though they could not but impute to him some degree of negligence, yet being satisfied of his perfect freedom from any worse offense, they publicly declared this conviction, and expressed their wish that the proprietors would not, by refusing to re-elect him, fix an unmerited stigma on his character. At the same time, the candidate was supported by the government, and by all the influence of most wealthy and respectable connexions. On the election, however, he was rejected. The question now is, not respecting the generosity, justice, or temper, of the Court of Proprietors, but respecting their independence, which this occurrence, it is apprehended, most satisfactorily illustrates.

Afterwards, in the same year, on a vacancy in the direction, Mr. Twining offered himself as a candidate. There can be no delicacy in here naming this gentleman, whose name has for many years been familiar to all those who have felt any interest in the conduct of Indian affairs, by the attention, zeal, and ability, with which he has uniformly fulfilled his part as an active member of the Court of Proprietors. Mr. Twining was supported by the government; and the Court of Directors, from an opinion, founded on long experience, of his merit, revived in his favour an old

custom of publicly and officially recommending a candidate; a custom which, though still practised with respect to the annual elections, had for some time been disused on occasion of accidental vacancies. The jealousy of the proprietors was alarmed at what many of them, unacquainted with the former practise, deemed an unprecedented interference on the part of their Directors; and, though a more popular candidate could not well have been recommended to them, as his triumphant election since that period has proved, Mr. Twining was rejected.

The two facts just mentioned are probably within the full recollection of every individual of this country, who has paid the slightest attention to the progress of public affairs; certainly, within his immediate reach.

Thirdly, let us consider the question, "how "many men are Directors who oppose govern-"ment in parliament or elsewhere?"

The charge implied in this question, is more directly and more fully urged by the author of the Considerations: "Look at the parliamentary "history of the Company, and the conduct of "their servants for many years. Do we find the "Directors in the House of Commons in the "ranks of opposition, and thwarting a minister? "On the contrary, do we not hear it laid down "as a general principle, that the Company *must* "*not quarrel with the government?* Indeed this "is so clear and obvious, that it requires no par-

" ticular illustration. The mutual advantage of
" their good understanding, upon the whole,
" leads the Company and the government to *con-*
" *spire* together: the former for fear of losing
" their charter; the latter in order to secure a
" powerful body of adherents. A very strong
" mass of influence in the state is thrown into
" the ministerial scale, ready to support all mea-
" sures, good or bad, of those who have power
" for the day. There is no *delectus personæ* in
" this prostitution. It is of the most grovelling
" kind, and in no way does it associate itself with
" any public spirit, or tend to any national inte-
" rest. The virtuous minister, perhaps, has it
" for his hour; but the most corrupt or the most
" feeble minister is supported by it to-morrow;
" and, by his weakness or his crimes, enabled to
" waste or endanger the commonwealth." *

The maxim that "the Company must not quar-
" rel with the government," like most other equally concise maxims, is liable, when abstractedly taken, to be very variously interpreted. Under one construction, it may be the motto of a base compromise; under another, of an open, liberal, and patriotic alliance. In what sense it is used by the Company, their conduct with respect to the other points mentioned in this charge must determine. The explanation of it, there-

* P. 149.

fore, may for the present be reserved; and, in the mean time, the adversary is entitled to the full benefit of the concession, that the maxim has been adopted and acted upon by the Company for a great number of years.

With regard to the alleged "*conspiracy*" between the Company and the government, formed, on the one side, for the sake of the charter, on the other, for the sake of political support, it may not be irrelevant to review the two occasions most immediately within the view of the present generation, on which the terms of such a league may be conceived to have been formally adjusted. At the renewal of the charter in 1793, the conspirators were, on the one side, the ministers, Mr. Pitt and Mr. Dundas; on the other, the chairman of the Company, the late Sir Francis (then Mr.) Baring, whose political principles were at that time, and had long been, in declared opposition to Mr. Pitt, who, in the year following, was returned a member of Parliament, in which capacity he continued for several years, and was, from first to last, during the administration of Mr. Pitt, the sturdy opponent of his whole course of policy, "good or bad." Let it be recollected that the force of this instance is not confined to an individual; for Sir Francis Baring had been chosen to the situation of chairman by his brother Directors.

Concerning the other instance alluded to, of this species of conspiracy, it is somewhat more difficult to speak, because there is always a de-

licacy in commenting upon a transaction actually pending; for such is the case,—the plot being now in the very act of concoction between the noble President of the Board of Controul and the Court of Directors. Deep, indeed, and ominous must be the nature of the compact; since the rites with which it has hitherto been celebrated, have been strangely unquiet and noisy. But, happily, the crisis of development, and consequently of detection, fast approaches, and the Directors who happen to be in parliament will soon betray how dearly they have purchased the renewal of their charter, by voting with the minister against the only terms on which they can consider the renewal of the charter as a bonus.

The cause, however, is not exhausted by the production of these two memorable instances. There are, at this moment, very leading characters in the direction, who, in and out of parliament, oppose the minister. For some time past, the average number of Directors in parliament has been from six to eight; and it may safely be affirmed that from one-third to one-half of these have generally been on the side of the opposition. It would be unpleasant to toss about living names; but a general notion respecting the correctness of this statement any man may form, who will take the trouble to compare the lists of the Directors during the last few years, with the lists of the minorities in the Commons for the same time, as preserved in the Parliamentary Register. We are not, however, therefore to imagine

that the majority of the Directors are mere retainers of the minister for the day. On the contrary, they have, on some memorable occasions, vindicated their independence; and those who may feel themselves inclined to sneer at this assertion, will do better to controvert, if they can, the following plain statement.

The public will remember the painfully interesting discussion which occupied the attention of the parliament and the nation in the spring of the year 1809; a discussion intimately affecting an illustrious member of the administration. The decisive motion made on that occasion by the Chancellor of the Exchequer, was carried by a majority of 278 to 196; that is, nearly three to two. There were then, of the Directors and Ex-Directors together, *eight* who were members of the House of Commons; and, of these, on the motion in question, no fewer than *six* voted in the minority. What is worth observing,—of these six, one was the Deputy Chairman,* and was chosen Chairman a month afterwards, at which time, also, another of the six was chosen Deputy. It may be added that two other members, being the sons of an eminent Director, not himself in Parliament, also voted on this occasion with the minority. We may then fairly say, that the Directors voted, *seven to two*, in opposition to the minister, when the rest of the house voted, *three to two*, in his favour. But this is not all; for, even on the ori-

* The chairman was not a member of parliament.

ginal motion made by Mr. Wardle, *three* Directors were in the minority; and to these may be added the two sons of the Director before-mentioned.

No opinion is here meant to be either stated or insinuated respecting the transactions which called forth these votes, nor on the correctness or expediency of the votes themselves. The affair is mentioned only as furnishing some little proof that the members of the Direction do *not* "support all measures, good or bad, of those who "have power for the day."

Let us, however, advert more particularly to some facts in "the parliamentary history of the "Company," or rather, in the history of their proceedings with respect to the Government.

In the first place, it may suffice to make a bare allusion to the question which was so anxiously agitated in 1801 and 1802, respecting the enlargement of the privileges granted to the private trade from India. It is, however, perfectly notorious that, in that instance, Mr. Dundas and the Court of Directors differed in opinion, chiefly with regard to the expediency of employing India-built shipping in the India trade;—that, on the retirement of Mr Dundas from office, his successor at the Board of Controul, the late Earl Dartmouth, took a still stronger part on the same side *;—that the subject was brought before Parliament by Sir William Pulteney, who espoused

* See the *Papers respecting the Trade between India and Europe*, published by order of the Court of Directors, in April, 1802.

the cause of the India-shipping, and was warmly supported by Mr. Pitt and Mr. Dundas, then newly out of office;—that, during the whole of this controversy, the Directors, whether in or out of parliament, with the exception of a single individual, unanimously and steadily acted together;—that they were supported by a large proportion of the Court of Proprietors, the majority in their favour, on a ballot taken on the 5th of June 1801, being 809 to 234, or considerably upwards of three to one;—finally, that the government at length found it expedient to enter into a compromise with the Company, as one condition of which, the project of a regular introduction of India-built shipping into the Indian trade of this country was abandoned.

At a more recent date, the Court of Directors and the administration differed with regard to the merits of a late Governor-general. This reference, reluctantly made, to the disputes which were occasioned by the public conduct of that noble person, must be understood as purely and nakedly historical; for nothing certainly is less here intended than to disturb the sleep of obsolete controversies. The reader has but one question to decide,—the independence of the Company and the Directors; not their wisdom or their virtue; in any other sense, at least, than as independence, even where most erring, always argues a degree of both. Now it is well known that, although the nobleman in question was fortified, beyond most of his predecessors, by minis-

terial favour and parliamentary influence, and highly celebrated both for his talents and for the brilliancy of his administration in the East, yet a new Governor was on that occasion appointed. It is farther known, that the conduct of the Directors throughout the controversy on this subject, was decidedly approved and supported by the Proprietors. A resolution strongly to that effect was submitted to the General Court; and, on that resolution, the supporters of the distinguished individual before mentioned, moved the previous question. If the Court of Proprietors were liable to be ruled by treasury controul, in that instance the court would have been so ruled; for it is a matter of fact that the influence of Government was then exerted to the utmost; it is not said, unfairly. At the same time, the curious circumstance occurred that the ex-ministry, as was perfectly understood, concurred on this point with the greater part of the new cabinet. Yet the Proprietors, on the 30th of May 1806, passed a resolution laudatory of the conduct of their Directors, by a majority of 928 to 195; or nearly as five to one.

Subsequently, the details of the policy which the Company had censured in their Governor-general were brought under the consideration of the House of Commons, where they occasioned many debates and divisions. In every successive conflict, very large majorities voted in favour of the personage accused; but the majority of the Directors in the house supported the contrary

side. It has been insinuated, indeed, that, on these occasions, the Directors poorly *connived* at charges which they would not boldly sanction. The Directors were certainly under no obligation to *originate* a parliamentary discussion on the subject; especially, as the few of them who are members of the House of Commons, sit there merely as private individuals, and in no respect as representatives of the India Company. But, if to speak strongly, and vote decisively, in defense of a proposition, be to *connive* at it,—and a reference to the Parliamentary Register will shew whether this was not done respecting the charges alluded to by persons high in the Direction,—then may it be truly alleged that the Directors connived at what they would not sanction.

To these facts one other shall be added. In the year 1806, on the death of Lord Cornwallis, the Directors appointed Sir George Barlow, Governor-general of Bengal. The ministry, then new in office, for a short time acquiesced in this as a provisional appointment; but afterwards proposed the removal of Sir George Barlow, and the substitution of a nobleman long and intimately connected with one of the parties that composed the cabinet. The Court of Directors objected to this proposal, and, by a great majority, decided for the continuance of Sir George Barlow; intimating at the same time to the ministry, that, though no individual could be more agreeable to themselves as Governor-general, yet their decision in his favour

was partly occasioned by the result of a free and honest exercise of judgment with respect to the noble and distinguished individual in whose behalf they were required to displace a long-tried and meritorious servant. It is not intended to commend or to censure the conduct of the Directors and the Company on this occasion, in any other view than as it indicated an independent spirit. So warmly, however, were the ministry interested in this appointment, and so confident did they feel of overcoming the perseverance of the Directors, if they could bring the matter to a direct issue, that they resorted to a legal but yet a very strong and unusual measure. Sir George Barlow was removed from his station by the sign manual of the King, in pursuance of the power to that effect granted in the charter of 1793, a power, however, which had never before, nor has ever since, been carried into exercise. A vacancy being thus made, the ministry again offered for election the candidate whom they had before proposed, and, very naturally, for the sake of an object which they had so much at heart, canvassed on the occasion the several Directors individually, with the greatest earnestness. The Court, however, conceiving themselves justified in their opposition to the proposal, confirmed, and by another great majority, their former vote. The ministry, then, with a just and constitutional deference to the objections of the Company, consented to wave

their proposal, and to recommend a third individual, who should be agreeable to all parties.

This affair is here referred to with no other object than to illustrate the freedom of the Company from the sway of ministerial influence; of which some evidence surely was afforded, when twenty out of twenty-four Directors inflexibly adhered to what they conceived their duty, in direct opposition to the pressing instances and menacing power of the administration, and this at a time when, in parliament, that administration was perfectly triumphant.

Such, then, on the whole, is the manner in which the Company and the Government "conspire together." Such is the "readiness" which the Directors have shewn "to support all measures, good or bad, of those who have power for the day."—Such is that base and grovelling support which "the virtuous minister perhaps has for his hour," but by which "the most corrupt or the most feeble minister is supported to-morrow."—Such is the political "prostitution" of the Company;—which, however, could it even be proved, might not perhaps be worse than the prostitution of the sacred right of free discussion to the purposes of gross mis-statement and calumny.

After these details, it were superfluous to enter on a long explanation of the principle that the Company must not quarrel with the Government. It is impossible that a text should be misunderstood, on which facts have furnished such a com-

mentary. Every man of common discernment will perceive that it is a rule devised purely to facilitate the dispatch of public business, by inducing a spirit of conciliation between those whose powers, being co-ordinate, and in some degree mutually opposed, can act effectively together only through the medium of a fair compromise. Accordingly, no member of the Direction more uniformly avowed this principle than Sir Francis Baring, whose political sentiments, as has already been mentioned, were, through the far greater part of his life, declaredly adverse to the persons in power, but who, in his official character as a leading Director, always declared that he would be of no party but that of the Company. Whether the determination was wise and proper, or the reverse of these, let the public judge.

Fourthly; "how many men," the critic asks, "are sent to command or collect tribute in India, "who are either themselves enemies to Government, or connected with such adversaries?"

The question seems to imply a belief, on the part of the enquirer, that it is an ordinary occurrence in the proceedings of the Company to send men "to collect tribute in India;" than which a more unfortunate or a less excusable mistake cannot be made. In a very few instances, indeed, as in the case of newly-conquered countries, officers of rank have been employed for the collection of tribute; but it requires nothing beyond a most superficial acquaintance with Indian affairs to be aware that

the business of collection is, in an ordinary way, entirely committed to the covenanted servants of the Company;* men who, having spent their lives in India, know little either of government or its adversaries.

As to the Commanders-in-chief employed in India, in the choice of these, it has before been distinctly observed that the minister exercises a considerable influence; but he is, notwithstanding, checked by the Company, and the assertion may safely be made, that the concurrent choice of the two electing parties has, in most instances, been guided by merit.

Fifthly; "How many men return laden with "wealth from such employments, hostile to arbitrary power, to the court, or to the ministers of "the day?"

To notice so idle an interrogatory, can hardly be thought necessary. Mr. Burke somewhere declares the East-Indians to be one of those classes who were the most dangerous to the state, as being fit recipients of revolutionary principles; and we now hear revived the cant of still earlier times, that they are dangerous to the state, as being fit tools of arbitrary power. The truth is, that, although this class, like most others, may occasionally have furnished its political vassals or zealots, it has furnished but few. The East Indians who return with a fortune, very rarely render themselves conspicuous in the political circles at home, but retire to various parts

* See the first chapter of this Book.

of the country, and pass their remaining days in the honorable quiet of a station at once private and independant.

Sixthly; we are informed that the Company have above 2500 persons in their employ in London, and are asked, "how many of these persons, "or their children, or even brothers, would venture to vote for the popular candidate in Middlesex or Westminster?" and "how many of "them would disregard a canvassing hint from "one of the Directors," or, at least, "from one of "the Chairs?" and "how many Directors or "Chairs would canvass against the Treasury?"

It certainly would not have been inconsiderate in the author to put a previous question; how many of these persons, or their children, or even brothers, are possessed of the right of voting in Middlesex or Westminster? The greater part of them are mere labourers in the warehouses of the Company; of whom it might reasonably be presumed, and so the fact is, that many have no votes. With respect to the rest, it admits of great doubt whether they have *not* voted for the popular candidate in Middlesex. At least, it is beyond doubt that very little cognizance, and certainly no official cognizance, has been taken of the manner in which they may have disposed of their votes. A Director may occasionally canvass among these men according to the imagined extent of his influence; but the brief and decisive answer to all the insinuations of the

reviewer on this head has been fully implied in the foregoing pages. From public and indisputable facts, it has been shewn that the Directors themselves are, in general, perfectly independent of the Treasury; and, of course, their influence over their clients, whatever it be, and in whatever manner exerted, cannot be considered as a portion or emanation of Treasury-influence. This consideration alone would decide the matter.

We have yet a seventh point to consider. "With "respect to India, and the Company's establish-"ment in Asia as well as in Europe, it is enough "for us, that it supports thousands, and hundreds "of thousands, in most desirable situations; and "that all those persons, knowing how closely the "Indian system is connected with the govern-"ment, regularly support the government, or in "other words lean distinctly towards the Crown, "or strengthen the hands of whatever men the "Crown may select for ministers; and this most "powerful support is now enormously increased "by increase of the empire in India as it is call-"ed."

It is no uncommon practise with disputants to reserve the severest blow for the last; but it may be questioned whether the whole records of controversy furnish another example of so compleat a climax as the present, where, after having been confronted with the corruption of twenty four Directors and two thousand five hundred labourers, we are suddenly overwhelmed with "thousands

" and hundreds of thousands," and these again " enormously increased," all belonging to the establishment of the Company, and " *all* leaning " distinctly towards the Crown," and " strengthen- " ing the hands of whatever men the Crown may " select for ministers." Against such reasoning it would be vain to contend.

Well may an establishment of " thousands " and hundreds of thousands," be " enough" for the Edinburgh Reviewers; for they may rest assured that it is incomparably too great for the Company. To reckon as an indiscerptible member of the establishment of the Company, every artificer throughout the kingdom whose industry they may chance to set in motion, appears sufficiently preposterous. The manufacturers of long-ells and English broad cloth have given pretty decisive proofs of their own separate existence. Yet, by the largest and most comprehensive computation, the Company employ, in England, but about 100,000 persons; a vast number, undoubtedly, but not exactly corresponding to the expression " hundreds of thousands, enormously increased." To this let us add the establishment in India. Now it is plainly unfair to include within that establishment the free merchants and mariners in India; yet let so much be allowed to the author. It is also a violent stretch of metaphor to designate the royal troops in India as a part of that establishment; but this also may be permitted.

Lastly, it is perfectly extravagant, in a question respecting the means of influence possessed by the Company, to reckon the common sailors engaged in their service as a part of their system. But, as the adversary will need all the indulgences which can be granted him, let this concession likewise be made. The computation then will stand thus:—

Persons employed by the Company in England including officers and seamen in the ships	117,009
His Majesty's troops serving in India . .	22,363
British subjects, exclusive of His Majesty's troops, residing in India overrated at	6,000
Total..........	145,372

Thus, with all the exaggeration that it has been possible to admit, the British subjects connected with the Company's establishment, will fall short of one hundred and fifty thousand, which is here called " thousands and hundreds of thousands," with the subsequent addition of an indefinite but " enormous increase." Possibly, it may be imagined, that not only the British residents in India, but the natives also, who directly or indirectly, are employed by the Company, " lean distinctly towards the Crown" in England, and strengthen the hands of whatever men the " Court may select for Minister." In that case the faculty may as well be extended to every individual who re-

sides under the government of the Company, and the "thousands and hundreds of thousands, enormously increased," be set aside in order to make room for sixty millions.

It is impossible to close this subject, without a momentary notice of a sentiment delivered by the author of the *Considerations*, on which, from its peculiarity, no attention could, without digression, be bestowed in the course of the foregoing remarks.

This author affirms that, if the Company were really independent of the Crown, they "would "constitute a mass of organised power in the "state, perfectly anomalous, and in the highest "degree dangerous. Such a body," he says, "will either be a tyrant or a slave. What they "now are, we know." Since, however, it has been proved that he does not know what they are, there may be some reason for distrusting his conjectures as to what they would be. The truth indeed is, that, so far as he merely asserts the dependent character of the Company, he speaks correctly. The Company are servants, or, if a coarser word be more agreeable, slaves. They do exist by sufferance. They are at the mercy of a superior. To this extent the writer in question is accurate; it is in assigning the superior, that he fails; for that superior is not the Ministry, but the Nation. In this age of diffused mind and free discussion, to suppose that all the constituted or the virtual authorities of the state, the prerogative and

the influence of the Crown, the omnipotence of Parliament, the irregular but powerful jurisdiction of public opinion, should be set at defiance by a body, in comparison, so unspeakably weak as the East-India Company; to believe that a body, composed of elements which have no other point of union, and exposed, on all sides, to jealousies without number, should seriously affect independence, in any other sense than as independence ought to be the ambition of every free subject;—is surely among the most unlicenced imaginations that ever assumed the name of opinions. In a period like the present, the Company must always live, if so homely an expression may be allowed, on trial. They subsist but by the breath of the nation; and, if they have ere this shaken cabinets to their foundation, it has only been because the nation was with them, in heart and in hand.

The reader must be weary of this chapter, and he shall not be detained. It is necessary to remind him, however, that, among the effects likely to spring from the establishment of a ministerial government for India, the threatened injury to the balance of the British constitution, forms but a single topic. The change of system must also have a close reference to the welfare of the people of Hindostan; and this subject might suggest many reflexions. Perhaps, indeed, the subject has been partly anticipated in the preceding pages. An endeavour has been made to shew that the supersession, in a political light, of the

Company by the Crown, would totally unhinge and disjoint the forms and arrangements of the Indian service. For whose advantage, however, were those forms and arrangements instituted? Not for ours; but for that of the people of Hindostan. True it is that those works of wisdom and humanity have, like mercy, reacted in blessings on the giver; but this has been their incidental, not their primary and designed operation. Their downfall might involve that of the British constitution, but they do themselves form the constitution of India, and it is an agitating task to reflect how great a portion of the happiness of the natives would probably be buried under their ruins. For what misshapen forms of ancient injustice and exorcised oppression might not be expected to reappear on the scene of Hindostan, if, for the light and regularity that pervade the present system, were substituted the darkness and disorder which have been described in the present chapter?

It may be enquired whether, under the government of the Company, the purity of which has been so greatly extolled, abuses and irregularities never take place? This is merely to ask whether the government of the Company be absolutely perfect. "There are, and must be," said a great man, "abuses in all governments. It amounts to "no more than a nugatory proposition."* It

* Burke.

makes a serious difference, however, whether the abuse be the rule or the exception; and, in the existing constitution of India, it is, beyond controversy, a rare exception. Were the places and emoluments of that country annexed to the Crown, there seems much ground for the apprehension that it would become the rule.

CHAPTER IV.

On the points at present in dispute between His Majesty's Ministers and the Company.

In shortly commenting on the pending disputes between the Ministers of the Crown and the representatives of the Company, it is not necessary to dwell with any minuteness on the past stages of the discussion. The object in this place, is not to criticize the conduct of the negotiating parties, but simply to explain the matters in issue.

The monopoly which the Company have long enjoyed, of the trade with India and China,—a monopoly, however, qualified in its extent, and, if the views afforded in the preceding chapters be correct, strictly defensible on political grounds,—has always been regarded with jealousy by a part of our merchants and manufacturers. That jealousy has of late been both heightened and diffused. The mercantile and manufacturing classes of the United Kingdom, almost entirely debarred from the markets of Continental Europe by the policy and power of France, willingly believe that an ample compensation for their losses and privations might be found in the markets of India and China, and reprobate the system which almost exclusively

confines the commercial use of those regions to a corporation established in London. They solicit, therefore, from the legislature, an abrogation of that system.

The legislative bodies have not yet had the opportunity of deciding on these claims. The Ministers, however, are disposed to confer, on a certain number of the ports of the United Kingdom, so much of the privilege sought as relates to India, while the trade to China shall be continued under the exclusive management of the Company. The Company, on the other hand, consent only to a partial relaxation of their monopoly in the trade with India. They would admit into that trade private vessels clearing out from the port of London, provided that the goods imported by such vessels on their return shall be brought to London and sold at the regular sales in the India-House. Those sales, it should be remarked, take place at stated periods, under a due previous notice, and are, by law, limited to the method of public auction. With respect to the other ports of the United Kingdom,—that those ports should be prevented from sending out vessels to India, the Company ask, but not very strenuously; while they intreat, as a point of vital moment, that no Indian goods may be admitted into any port of the United Kingdom excepting that of London, or suffered to be sold in any manner, excepting at the sales in the India-House. In these views and proposals of the Company, the private mer-

chants of London have expressed an entire acquiescence.

Here are two great points, therefore, to be considered by the legislature, the monopoly of the trade with China, and the monopoly of the trade with India. Ministers would preserve the former, and dissolve the latter. They would, by additional regulations, if necessary, ensure to the Company the exclusive importation of the article of tea, now a necessary of life in Great Britain. They would, on the other hand, open to a certain number of the outports of the kingdom, a free commercial intercourse with India, including the import as well as the export trade.

It may be important, in the first place, summarily to consider what are the arguments for a continuance of the subsisting monopoly in the China trade, although that be not a matter in dispute between Ministers and the Company. Even as a digression, the introduction of a subject so important might be pardoned; but the sequel will shew that the subject is intimately connected with the immediate design of the present chapter.

The arguments in question appear reducible to three heads. In the first place, negatively; even the principles on which the advocates of an unrestricted commerce avowedly rely, are capable of but an imperfect application to the case of the China trade. It is contended that the trade of India might, with immense advantage, be confided to the efforts of individual enterprize. Why?

Because the commerce of unconnected and rival individuals could not possibly be a commerce of routine;—because the ardent inquisitiveness of separate adventurers could not fail to discover, amidst a spacious continent, bounded by an extensive sea-line, a variety of new stations for the prosecution of commerce;—because, by the officious cultivation of a friendly intercourse with the natives, such adventurers would both learn and improve the tastes of the natives;—because a free and studied circulation, by private adventurers, of British wares among the vast population of Hindostan, could not fail to augment the demand for such wares;—because the competition of British buyers would excite a correspondent competition among the native sellers. But, even if we allow to these considerations, in the case of the Indian trade, all the weight claimed for them, they can have little or none with respect to the trade of China. That trade must be, in a good measure, one of routine, while the jealous policy of the Chinese government remains. Excepting Canton, and that only for a part of the year, neither the ports, nor the interior, nor the population, of the empire, are open to the access of European adventurers, single or corporate. The British are confined to very narrow precincts about the walls of the factory; and are wholly interdicted from traffic in the country, excepting with an *exclusive company* of ten or twelve Chinese, appointed by the emperor under the title of the Hong, and who, though not

trading on a joint-stock, are yet frequently made responsible for the debts contracted by each other to Europeans. To such narrow bounds must individual enterprize confine its commercial inquisitiveness, its commercial itineration, its intercourse with the native population, its excitement of demand among the consumers, and of competition among the sellers of China.*

Yet the advocates of the outports on this occasion, familiarly desire the establishment of "a free commerce with four hundred millions of customers;"† forgetting that three hundred mil-

* The introduction of commercial questions scarcely consists with the scope of the present work. The author has, therefore, thrown into the Appendix (No. 15,) some remarks on the pretended cheapness of the American tea-trade, as compared with that of the Company.

† It may be worth while to quote the whole of the passage alluded to, as an instance how eagerness on a particular topic can lead even minds of good endowments to confound the simplest operations of arithmetic. "What! a free commerce with "400 millions of customers not capable of extension! How "supremely ridiculous! Granted that the Hindoos are poor "and attached to old customs, yet they are not a tythe of the "customers to which we shall have access if the East-India "monopoly be done away. Is it credible that amongst the "350 millions remaining, amongst the inhabitants of the "eastern coast of Africa, of Arabia, Persia, China, &c. &c. "&c." Proceedings of the Hull meeting, 6th April, 1812. To vulgar apprehensions, this passage does plainly import, that of "the 400 millions of customers," the Hindoos form 50 millions, and yet that they do not amount to one tenth of the whole. That is, 50 does not amount to one tenth of 400.

Such

lions of these fancied customers are denied to their wishes and experiments, not by the government of Great Britain, but by that of China; forgetting that the utmost power of parliament, instead of granting them access to three hundred millions of customers in the empire of China, can grant them access only to about a dozen customers at Canton; forgetting that, if the trade of Great Britain with the port of Canton, can properly be called a trade with the whole empire of China, then the trade of China with the port of London may properly be called a trade with the whole United Kingdom of Britain.

But, secondly, there are strong positive arguments against the removal of the restrictions on the Chinese trade. Of these, a considerable class is founded on the peculiar delicacy and difficulty of our commercial connexion with China, resulting from the singular compound of pride, punctiliousness, severity, timidity, and ignorance, in the character and policy of that state. The principle of retaliation, and that which it nearly involves, the notion of *representation*, appear to be refined upon, in the juridical and political practice of the Chinese, with a pedantic precision truly worthy of a semi-barbarian government. If, in combination with this peculiarity, be considered the imperial contempt of the Court of Pekin towards foreigners,

Such are the commercial economists, who can find nothing but " a mere wordy mass of futility" in the arguments of the Company.

some tolerable notion will be formed of the embarrassments into which the British factory at Canton is occasionally thrown by the proceedings of the national government. Should a Chinese subject be accidentally murdered by an European, the life of the homicide is always claimed, and the factory being held responsible, trade is probably interdicted till the demand shall be satisfied. The difficulty may possibly be evaded by the connivance of the local authorities at Canton; but there are instances in which a compliance has been rigorously enforced. On any trivial or casual difference, on any suspicion however capriciously conceived, the interdict is immediately resorted to, and even the expulsion of the factory threatened. Meanwhile, the municipal regulations established in the port are of such severity, as frequently subjects to a hard trial the careless habits and free spirit of the British seamen. Nothing, in truth, has so long preserved in its integrity the Chinese commerce of this country, but the nice address of the British supercargoes at the factory, coupled with the systematic discipline maintained both there and in the ships of the Company. A promiscuous influx of British vessels and crews would considerably increase the precariousness of that commerce; and even the very sight of an unexpected and unaccountable innovation on the subsisting practise, might heighten the habitual mistrust and pusillanimity of Chinese policy into surmises and alarms more fatal than their own omens.

The champions, indeed, for the outports contend, that these predictions are altogether hypothetical and preposterous; that a private trader among his customers is professionally as orderly and conciliating, as a British trader is characteristically honorable; that the example of the Americans proves with what safety to Chinese prejudice private vessels may visit the port of Canton; and that both the supervision of discipline among the British at the port, and the international proceedings with the Chinese government, might be successfully conducted by a British consul, armed with summary local powers over British subjects.

To these pleas it has been objected, and the objections have not been answered,—that, whatever confidence may be placed in the instinctive obsequiousness or national integrity of a private British merchant, the former part at least of the description hardly extends to a British seaman; that the nature of the British seaman, and especially in port, is free, boisterous, and prone to excess, the pupil in fact of a school of warlike daring, and essentially different from the sober and calculating character trained up in the mercantile marine of America; that the Americans, besides, have been viewed with the less suspicion, from the very circumstance of their being accredited by their similarity, in language and appearance, with the members of a respected and disciplined British establishment; that a British consul, armed with any powers short of tyrannical, could maintain

no effectual controul over a promiscuous assortment of British crews; that it would be impossible to impose on a British consul that species of responsibility which would be exacted from him by the Chinese government, a responsibility by which he might be subjected to the privation of liberty or even life, for every wanton act committed by a British sailor in the roads; lastly, that such a functionary would be exposed to insults and humiliations which could not possibly be endured by a national delegate, without a compromise of the national honour.

Thirdly, it is an argument against the freedom of the Anglo-Chinese trade, that, under the present system, the annual imports into this country of tea, the principal subject of that trade, furnish the state, at little cost of collection, with a revenue nearly amounting to four millions sterling. But the duty levied on the article is about ninety-five per cent. on the sale-price; a strong inducement to illicit importation, where the commodity is so highly in request, and so easy of transportation. Were private adventure, then, freely admitted into the trade, while the duties remained at their present amount, as the whole of the system under which those duties are secured must be sacrificed, there is the best reason to fear that the revenue might be defrauded to an indefinite extent. The facility would be great, and the temptation immense.

That these apprehensions are too just, the very

history of the tea-trade seems to evince. The use of tea in this country has, from small beginnings, become universal, in the course of about a century and a half. Through a considerable part of that period, very heavy duties have been imposed on the article, sometimes in the shape of excise-duties, generally in that of customs. So early as the first year of William the Third, the impost was so high as to encourage large clandestine importations, and, though reduced in that year by the legislature, was soon again augmented, and with the same effect as before. The supply of the English smuggler with teas, constituted no small part of the employment and resource of the Ostend company, established about a century ago; at which time the duty amounted to 82 per cent. on the net cost. That proportion had, in the year 1744, increased to 128 per cent.; and the correspondent increase of smuggling, through the medium of the Swedish and Danish companies, attracted the serious attention of the legislature. A committee of the House of Commons, in 1745, recommended an abatement of the duty as the only remedy; but the necessities of the state prevented an adequate application of the principle. Smuggling continued; and, in the year 1784, is said to have supplied two thirds of the consumption of the kingdom, the duty then being about 119 per cent. on the average sale price. An effectual corrective of the evil, however, was in that year adopted by the legislature. The com-

mutation act* reduced the duties on teas to £12. 10*s.* per cent. on the sale price, substituting for them certain duties on windows. The smuggler was now driven out of the market. In 1783 the quantity of tea sold at the sales of the Company amounted to but about 5,857,883 lbs.; in 1785, it rose to 15,081,737 lbs.; and, from that year to 1794, it annually averaged at 16,964,957 lbs.

The trade being thus restored to its legitimate channel, the government have since been able, under improved regulations against smuggling, and the still maturing system of the Company, again to increase the duty, and with vast advantage to the revenue. From 1795 to 1800, the twelve per cent. gradually rose to twenty, thirty, and forty. It has since advanced to ninety-five, and is collected with a cheapness, facility, and certainty, scarcely known in the fiscal experience of the country. To produce this state of things, has cost the legislature no slight labour, but, if the tea-trade be again set afloat, and vessels from various parts of the kingdom encouraged promiscuously to engage in it, all the benefits resulting from that labour will be put to imminent hazard. Even under the present arrangement, smuggling is not so entirely extinct, but that it gives occasional symptoms of energy. Instances are on record, in which American bottoms have imported tea

* 24 Geo. III. c. 38.

both into Liverpool and Glasgow. The chief supplies, however, drawn through American channels, have apparently been directed to Ireland; and it is a curious fact, that the orders for tea received in England from that country have been much increased since the rupture with America.

Perhaps it may be argued, that the tea-trade will be advantageously thrown open, if the duties be at the same time depressed below the charges of smuggling. For the diminution of duties will so extend the regular consumption of the article as shall, by a small revenue on a larger sale, compensate for the want of a large revenue on a smaller sale; especially as the competition of a free trade will reduce to a minimum the cost at which the article can be brought into the English market.

But the cost of coming into the market needs not to be considered in this case; since, with the utmost allowance for what may be called a monopoly price, it bears no sensible proportion to the duty imposed. The lowering of the duties, indeed, would doubtless occasion an increased consumption of the article; but that it would produce this effect to the full extent of a compensation for the loss in duties, seems a highly precipitate assumption. At present, the quantity of smuggling is, on the whole, inconsiderable. So far, at least, therefore, no prospect of an increased legitimate demand opens; no gap would be created by the reduction of the duties, which the

regular trade might occupy; and, at the present season of warlike exertion and fiscal exigency, it surely would be rash to stake every thing on the presumed universality of the theoretical principle, that cheapness of supply will necessarily create a commensurate increase of demand.

There is yet, however, a fourth argument for the monopoly of the China trade, which apparently outweighs in importance all those that have already been detailed. The profits which the Company derive from the exclusive possession of that trade, form, under existing circumstances, the very life-blood of their political efficiency, as the national organ for the government of British India.

Supposing that this proposition can be proved, the validity and the cogency of the argument derived from it will surely be admitted at once. That the present administration of British India is highly beneficial to a large portion of mankind, has been shewn, in the preceding pages, by incontestible evidence. That the system and government of the Company are closely inwoven with the essence of that administration, that they may even be said to constitute the heart and spring of its action, the centre from which all its functions radiate, the vital and thinking principle of its being, has also appeared in the former pages, by an application of the most acknowledged principles to the most indisputable facts. If these things are so, then the present constitu-

tion of British India is at all events to be preserved. For the experience of ages must have been thrown away on us, if we have not learned that the political happiness of a people is not to be tampered or trifled with;—if we have not learned still further, that, under whatever constitution the political well-being of a people is secured and is improving, any material change of that constitution must necessarily be a change for the worse.

It will be observed that, in the view of this argument, the monopoly of the China trade is to be bestowed on the Company, not so much for their own sake, as for that of the great interests entrusted to their guardianship. If the existence of that monopoly be necessary to the political welfare of India, then, were even the worst admitted that can be urged in disparagement of the monopoly, the continuance of it imposes on Great Britain but a cheap sacrifice for a most important object. A few words shall be said to shew in what manner the alleged necessity arises.

The annual disbursements requisite to the political efficiency of the Company are two-fold. One class of disbursements is for the expenditure in India; and these have been supplied, in ordinary times, from the Indian revenues alone; in seasons of pressure and exigency, from those revenues, assisted by loans chargeable on the territories, with occasional aids from home. But, besides the Indian expenditure, the Company have

disbursements to make in England, without which their political agency could not possibly be upheld. Of this description are, the expenditure of the home establishment, and, in a pre-eminent degree, the dividends paid to the proprietors of East India stock. If the dividend were no longer forthcoming, or should be reduced in rate, the value of the capital stock would proportionably decline, and the proprietary, as a body, suffer both in their property, and in their respectability. The Court of Proprietors, an essential wheel, as has before been shewn,* in the machinery of Indian government, must be disabled, and, by consequence, the whole mechanism of the great engine to which it belongs discomposed. But, in truth, the mischief would take effect by a much more rapid process. Were the Company found unequal to the discharge of their home expences, and especially of their dividend, their credit must sink irretrievably. The bills and bonds which they issue would become worthless; the alarm and confusion would quickly communicate itself to their affairs in India; and all those fatal consequences ensue, which might be expected under a bankrupt government. For the prevention of these evils, the punctual maintenance of the payments at home is an object of the last moment.

The fund for those payments must evidently be furnished, either by the revenues of India, or

* Chapter I.

by the trade of the Eastern seas, or, which is a modification of the latter method, by a consent on the part of the nation that the Company shall possess a monopoly of such part of the Eastern trade as is found sufficiently productive to supply the funds required. No fourth expedient remains; unless, indeed, the public were to undertake the provision of the fund in some other way.

From the territorial revenues of India, no such surplus can speedily be expected, as may answer the end proposed. Nor ought this circumstance to be at all a matter of surprise. The act of 1793, indeed, provided for a participation, on the part of the British public, in the surplus of the Indian revenues; but, surely, the revenues of a great empire are sufficiently operative, when they fully feed its expenditure. Those who expect more from the empire of Hindostan, appear to deal out a hard measure. In this country, the utmost resources of financial knowledge and invention have been exhausted on the attempt to equate the public income with the public expenses. The problem is not yet solved, or is solved for the benefit of a future generation. We lay the blame, probably with justice, on the warring or revolutionized state of the continent, and only exhort each other not to distrust the promise because the blessing is delayed. Yet, from the empire of Hindostan, an empire still newly consolidated and immature, environed by the force and fraud of jealous adversaries and friends ill at

ease, an empire at the same time not unaffected, though across the waves, by the political earthquakes which have desolated Europe, we demand that it shall produce, not merely a sufficiency, but a preponderance of revenue, and will not allow that the sword of an enemy may have disturbed the equilibrium of the scales.

The trade of India, properly so called, is not adequate to the supply of the home expenditure. The opponents, indeed, of the Company assert this to be a losing trade, and charge the circumstance on the mismanagement of that body. The Company affirm that, with the exception of two or three particular years, the trade has, on the whole, been gainful; but, at the same time, they hold out no prospect of a large profit from it, during the continuance of the disturbed state of Europe, and under the rivalry of the improved manufacture of this country. The investigation of the propositions respectively maintained by the two parties does not belong to the present work; the statements of both equally lead to the result, that the trade of India proper will not furnish a sufficient resource for the ends now under consideration.

The China trade, indeed, affords to the Company such a resource; but in order to secure its efficiency, the monopoly of it is indispensable. It will not avail to retort that, if the Company conduct the trade economically, they need not dread the competition of private adventurers.

Were the monopoly abolished, private adventurers would crowd into it; and although the Company, by their extensive capital, established connections, mature experience, and high commercial character, might, in a simply commercial view, look forward to an ultimate triumph, yet a complete victory does not imply that there has not been a hard fought battle. On the contrary, the probability is, that the eagerness of the adventurers would, for some seasons at least, greatly abridge the profits of the trade to all the parties embarked in it. Such a struggle the Company, if they had nothing beyond commercial interests at stake, might be able to encounter, with the hope of eventual superiority; but the diminution, for several seasons together, of the resources and credit necessary to the due discharge of their political functions, could not fail to produce the most fatal consequences.

As circumstances now stand, the mischief would take effect with tenfold celerity. Under the present amount of the duties on tea, a free trade to China must inevitably become a trade of fraud. The evils extinguished by the commutation-act, evils against which, previously to that regulation, the legislature had fruitlessly exerted its vigilance and its penal power,* might be expected to revive.

* Ample authority for this remark is furnished by the preamble of the act of the 17th G. III. c. 41. "Whereas the laws "heretofore made to prevent the clandestine running of goods "from on board ships employed in the service of the East-India "Company on their homeward voyages, and the receiving of

The forcible observations, with regard to a similar case, of the recent deputation from the Court of Directors, exactly express the nature and the extent of the danger. It would be easy, they remark, for the private merchant-vessels "to break "bulk in the passage home, and as they approached the coasts of Britain and Ireland, to "put tea, as well as other articles chargeable with "duty, on board of ships and cutters, destined "either for the ports of the continent, or the "remote coasts of Scotland and Ireland, on "which, for a hundred miles together, every "where accessible from the sea, there is scarcely "a custom-house, and where custom-houses could "not be sufficiently multiplied. Vessels of very "small size being allowed in the Indian trade, "they could enter into ports and bays little fre"quented, and run goods to be carried inland "and there dispersed. In some of the northern "and western ports of the United Kingdom, "we have heard that collusive practises between "the revenue officers and the smugglers are not

"goods on board such ships at sea on their outward voyages "from this kingdom, are insufficient to answer those purposes; "it having been found by experience that very large quantities "of muslins, teas, and other goods, are unshipped from on "board such ships into vessels that meet them at sea on their "voyages homewards, which goods are afterwards run on shore "on the coasts of this kingdom without payment of duties."— It should be observed that this statute proved as little efficacious as its predecessors.

"unusual. If this is the case in respect to articles which pay a comparatively small duty, what would it be where the articles of tea and Indian goods were in question? Ships might stop at intermediate ports for orders, and there smuggle; as those bound to the Western coast of Cork and Falmouth; those to the Eastern coast at Falmouth and the Downs; those going north about, on the Irish and Scotch coast. Ships having several ports of discharge would thereby have facilities in smuggling; and the state of relations between this country and parts of Northern Europe may be such, as to afford the means of running goods into those ports, which, from their proximity, may again be able to smuggle the goods into our remote ports."* A competition conducted on such principles, it is manifest that no fair trader, whether an individual or a corporation, could successfully sustain; and the inference with respect to the point under consideration is obvious.

From these premises it results that, to furnish the Company with the means of punctually meeting their current charges at home, either the monopoly of the China trade should be conferred on them, or some other fund be created by the legislature. In point of fact, the legislature has chosen the former method, and, it is apprehended, with strict wisdom. For let it be remem-

* Letter to Lord Buckinghamshire, of the 29th April, 1812.

bered that there are other arguments of great force for the monopoly of the China trade; arguments which have before been mentioned, and need not be repeated. The question, therefore, is not simply in which way the fund required by the Company may best be raised, but whether it had not better be raised through the means of a monopoly recommended by so many other considerations, than in any manner, however in itself expedient, which should leave those considerations without a provision.

Such appear to be the reasons on which the monopoly of the Anglo-Chinese trade may be justified. In these or similar reasons the ministry seem to have acquiesced; but here their acquiescence terminates; for the trade of India proper they would lay open to the outports. The Company solicit that all the imports from India shall be brought into the Thames, and sold at their own sales; and, unless on this condition, they deprecate every extension of the Indian trade, as fraught with peril. It is time to consider on what grounds this apprehension proceeds.

It may, as a preliminary fact, be stated, that the Company deny the probability of such an extension of the Indian commerce, as appears to be expected by the advocates of an open trade; or, in other words, they deny the correctness of those assumptions on which the project of an open trade is confessedly built. If the main argument for an open trade has little or no foundation in fact, the considerations on the other side become

doubly weighty. The discussion of this subject does not fall within the scope of the present work; but it may not be improper to state, in a few sentences, the view of it exhibited by the Company.

The Company contend, with respect to the export trade, or that from this country to India, that, according to all present appearance and all past experience, the extension of that trade is not to be expected. They maintain that if, in any part of the globe, the boundaries of commercial demand may be regarded as fixed, it is in Hindostan; where climate, religion, and, as it would seem, a native feebleness of character, dictate to the great body of people a fixed limitation of their wants; where, consequently, one unbroken constancy of tastes and usages has prevailed since the days of Alexander the Great. They, therefore, hold that the demand for the manufactures of Europe is not likely ever to exceed a very moderate extent. They argue that experience strongly confirms this position; for that their own efforts for the promotion of the sale of European commodities among the natives have been earnest and long continued, instructions to this effect having year after year been conveyed to their servants abroad, and having been put in force with the most unremitted diligence. They state that, in addition to exertions properly their own, their system encourages those of a number of merchants, native and European, either residing at the British settlements, or scattered along the sea

coast; men who conduct, with all the much celebrated spirit of individual enterprize, what is called the coasting or country trade of India; not confining their transactions to the shores of the Asiatic Continent, which, however, alone embraces a tract of country extending on the west to Cambay, and on the east to China, but sending their ships to every mart on the Eastern coast of Africa and the Islands of the Indian seas, where commodities can profitably be either bought or sold. At all such marts, consequently, European articles have been tried, but with little effect. The Company farther quote the example of the Indo-American trade, so often cited against them as a conclusive proof of the success attending a commerce committed to the living alacrity of individual enterprize. In ten years, from 1795-6 to 1804-5, the American imports into India were, in goods, £4,628,094, in bullion, £26,720,470; that is, upwards of five times as great; while the Company themselves export four times as great an amount in goods as in bullion. Yet the Americans, though not themselves a great manufacturing people, are willing carriers to manufacturing nations, and no where else do they trade to the same extent with bullion.

The utter incongruity between the European and the Indian character, and the difficulty with which an European mind lends itself to a due notion of Indian peculiarities, are in nothing more remarkable, than in the extreme aptitude of those

who know these peculiarities only theoretically, to forget them in their practical conclusions. The attachment of the Indians to hereditary customs, and at the same time the paucity of their wants, are so familiarly known in Europe as to have become common places. Yet no sooner are these common places followed out into action,—no sooner is it intimated that, in the case of so remarkable a race, the general maxim that "supply excites demand" is not to be applied without great caution and the admixture of many concurrent principles,—than we are overborne with comments on *the nature of man* from those who, judging only from the nature of the men immediately about them, shelter a spirit of system under the name of philosophy, and fall victims of local prejudice at the very moment when they are affecting to deride its influence.

On the other hand, with respect to the import trade of India, or that from India to Great Britain, the Company contend that, among other causes, the increasing excellence of the cotton fabrics of Europe, the disturbed state of the Continent, and the commercial rivalry of other nearer countries producing the same articles as India, forbid the hope of any rapid or wide extension; but that whatever extension is practicable, is practicable under that system which has already so strenuously and successfully fostered the productive powers of India, which has, at no small pains, refined her silks, nearly to a rivalry with the most exquisite products of Italy; which, aiding by

large loans, the efforts of private planters, has promoted the indigo-trade of India nearly to an equality to the whole demand for that article by the western world; which has, at great expense raised to a promising state, the culture of the Sunn or Indian hemp, which, in short, has been employed, in one continued effort, to nurture production throughout the British dominions in the East.

With respect to the import trade, therefore, of India, the Company do not contend that, under no circumstances, and by no possibility, may that trade be increased. They would merely repel the presumption *à priori* against their system, formed on a vague comparison of the actual extent of their investments with the vastness of the territories included in their charter. In somewhat of the same manner, when, a few years ago, the doctrine of *the perfectibility of the human species* acquired, among certain descriptions of persons, a temporary celebrity, those who opposed it did not contend that the human species had not in past time considerably improved, nor that it was incapable of being farther improved, nor that the improvement of it should cease to be an object of laborious attention; but they merely wished to reduce within just limits the views and hopes of mankind on the subject, and to quash that presumptuous philosophy which would found on every discovered imperfection in the social system a violent reprobation of all established government and laws.

But it may possibly be said, that, at least, the

experiment of an open trade should be tried, on however small a scale. The answer is, that, on a very sufficient scale, it is actually about to be tried. The merchants of London are admitted both into the export and import trade, provided only they will have their imports sold at the sales of the Company. Surely, the result of this experiment should be waited for, before its success is assumed by the extension of the privilege to the degree demanded.

Besides, however, this argument of inutility, against the proposed measure, the Company have two of danger.

First, they affirm that the establishment of a free commercial intercourse between the ports of Great Britain and Hindostan, will occasion a large ingress of Europeans into the latter country; an intercourse, threatening the most serious mischiefs both to the welfare of the native population and to the security of the Indo-British empire.

By those who have glanced at the preceding pages of this volume, it will at once be perceived that the subject matter of this very important argument has, as to all points of principle, been anticipated. It was shewn, in a former chapter,* that the free influx of a promiscuous European population into India would, in the first instance, prove highly injurious to the natives. It was

* Chapter II.

shewn that such an influx, even under modification and restriction, would issue in colonization; and the probable evils of that event, both to India and to England, were detailed. It was shewn, further, that colonization might very well have its beginning in commercial adventure, and that even the ill-success of commercial adventure would be no security against such a result.

On these topics, it cannot be necessary again to expatiate. It may be expedient, however, to mention that the view which has been given of the subject appears to preclude the use of an argument employed on this occasion by the antagonists of the Company. The Directors are charged with inconsistency, because, conceding, or at least not peremptorily denying, to the outports, the export trade to India, which of course includes the liberty to Europeans of a free egress, they yet anxiously withhold the import trade, on the very ground of the dangers which such egress may be supposed to involve. It has, however, always been contended by the Directors, not that the egress of Europeans would take place for the very purpose of colonization, but merely, that colonization would incidentally follow on the egress of Europeans. They do not maintain that it would be the motive, but that it would be the effect. The whole question, therefore, is under which system the egress of Europeans, *not* going as colonists, would be the more ample; under

that, which should give only the export-trade to the outports, or under that which should give them both the export and the import trade. Of this question, there cannot be a fuller solution than is supplied by the reiterated assertions of the advocates for the outports themselves, who contend that to grant them the outward trade is to grant literally nothing; a complaint, probably exaggerated, but which, after more than an average allowance for exaggeration, seems conclusive against the charge of inconsistency; especially when the charge and the complaint proceed from the same mouths.

The second argument of danger employed by the Directors against the proposed innovation, is, that it would eventually destroy the monopoly of the China trade, and, by consequence, subvert the political efficiency of the Company. They contend that nothing would be easier than for the vessels, ostensibly engaged in the trade with India, to ship teas off some of the islands of the Eastern Archipelago, and clandestinely to import them into Europe, and especially into Great Britain. By what process this illicit traffic, supposing it to take place, would supersede the regular China trade and incapacitate the Company for the discharge of their political functions, has before been fully, and, it is hoped, satisfactorily shewn. The only question is, whether it would, in fact, take place; that is, whether the teas could be

clandestinely shipped in the East, and whether they could be clandestinely conveyed into the British islands.

The former member of this question, it will perhaps be admitted, has been already discussed. The facility with which tea may be smuggled into this country, especially while our fiscal regulations virtually establish such a bounty on the operation, as must unceasingly stimulate the courage and the invention of unlawful adventure, unfortunately, stands on a firm basis of fact. If the illicit lading is once effected, there seems too much reason for the apprehension that the illicit unshipment will, by some device or other, be effected also. It becomes, therefore, highly important to estimate the likelihood of the lading.

It must be remembered that, by the confession of all parties, the rush of adventurers into the Indian trade at its first opening would be so great as to cause much hazard, difficulty, and loss. Under such circumstances, it seems a perfectly natural event, that many of those adventurers should be impelled to strike out some more profitable speculation; and the truth is that, even without the incentive of disappointment, they might find the illicit tea-trade irresistibly attractive. The Eastern Archipelago abounds with islands of various magnitude, to which both Chinese vessels and numerous traders of other descriptions would readily transport commodities from China. In the countless creeks, bays, and embouchures, of those is-

lands, the illicit shipment might take place with ease. This is not, let it be observed, the account of the Company alone; but may be confirmed from authors decidedly hostile to them. One writer, for example, of that class, in considering what effect would follow the total exclusion of the British nation from the ports of China, thus expresses himself. "Should we be deprived of tea? Not "we, indeed. There are abundance of China "pinks, and other traders, to bring to Prince of "Wales's Island, to Ceylon, or *wherever may be* "*most convenient, ten times more than we should* "*want,* and at less expense than it now costs us."* The remark of another is similar. "If we were "actually to be excluded from the ports of China, "we should not be deprived of an intercourse with "that country, so long as we have *numerous sta-* "*tions, whither the Chinese would most willingly re-* "*pair to carry on their trade with us.*"†

That the danger thus to be apprehended from the measure in view, has been under the contemplation of ministers, there can be no doubt; but, with every degree of deference to them, it seems hardly possible to believe that they are aware of its magnitude. They were solicited by the Directors to specify those safeguards and defenses with which they intended to accompany the projected change of system; with this request they have only par-

* Edinb. Rev. 31.

† The question as to the renewal of the monopoly.

tially complied, and, if we are to judge respecting what is yet unsaid, from what appears, little reliance, indeed, can be placed on the panoply which they have provided.

The apprehensions entertained on this head by the Company, the President of the Board of Controul observes, "might be obviated by various re-
"gulations, such as, by confining the trade to
"those ports which are or may be so circum-
"stanced as to afford security to the due collec-
"tion of the revenue; by the limitation of it to
"vessels of four hundred tons burthen; by at-
"taching the forfeiture of the ship and cargo to
"the discovery of any illicit articles on board;
"by an extension of the Manifest Act; by regula-
"tions for checking the practice of smuggling in
"the ships of the Company; as well as by other
"provisions, too minute to be entered into at
"present, but will of course be attended to in
"discussing the details of the subject."*

Concerning all the regulations which form this catalogue, excepting that of the forfeiture of ships and cargoes employed in illicit traffic, it may be observed that they have no reference to one great evil,—the clandestine *running of goods from on board of ships at sea.* For, unless it can be imagined that ship-officers and crews will be withheld from such practices by the pride of belonging to a vessel of a certain capacity, by the pride of having

* Letter from Lord Buckinghamshire, of 24th Dec. 1812.

cleared outwards from a port celebrated for the alertness of its fiscal ministers, or by that distaste for smuggling which education in so decorous a port may be supposed to create, it must be obvious that the great mass of the enumerated regulations will produce no effect on the evil in question. The question then arises, What are they worth? For this, let it be remarked, was the great, the paramount evil, which prevailed before the period of the commutation-act. This was that evil from which the finances of the state the most severely suffered. This was that evil against which the prohibitory voice of the legislature was chiefly directed;—directed, under the present reign, not only by consequence, but expressly, in three successive acts,* previous to that statute which proved conclusive;—and until that definitive enactment, directed in vain.

But experience, which establishes the likelihood of this abuse, also illustrates the feebleness of the solitary security prepared against it. The sound of *a forfeiture of ships and cargo* is sufficiently formidable; but it is not an untried sound; and the fiscal history of Europe for the two or three last years shews that notes of yet sterner import may be overpowered by the call of strong temptation. The *gambling principle* in human nature, the grand support of smuggling, is whetted by danger; and the greatness of the prize appears to stand forth

* 17th, 19th, and 22d of Geo. III. The first of which has been mentioned in a former note.

only in livelier relief from the depth of the loss. Should this reference to experience appear vague and indeterminate, let the objector be reminded of one fact. Even in the tea-trade,—even with reference to that particular abuse of the tea-trade, now under consideration,—the forfeiture of ships and cargoes is no new expedient. The act, already mentioned, of the 17th of the present reign, inflicted this very penalty on every ship or vessel into which *tea*, muslins, or other goods should have been illicitly conveyed at sea, from the East-India ships of the Company. The act of the 19th of the King, also already mentioned, attached the same punishment to vessels under a certain burden, coming from foreign parts, and unlawfully carrying tea, coffee, or other forbidden articles. Once more, the act of the 22d of the King, in order to prevent the running of *tea* and other prohibited goods into the kingdom "in large vessels fitted "out and armed as privateers," enacted that all ships carrying letters of marque from the British Admiralty, having, at whatever distance from the coast, a certain quantity of tea, or certain other goods on board, should be seized and forfeited, with all their guns and cargoes. Did these laws succeed? He who consults the preamble of the commutation-act, will find that question sufficiently answered; and, with these facts before us, something, surely, more specific than the mere name of seizures and forfeitures is required to obviate the mischiefs apprehended by the Company.

Of the other measures intended by Ministers, the limitation of the Indian commerce to a few specific ports, and to vessels of a prescribed burden, is probably better calculated to disappoint the clamours for a free trade, than to prevent a trade of contraband. Even within port, its success is not likely to be great. There was a period when the limitation of the Indian trade to the single port of London, and to the capacious vessels of the Company, furnished no effectual bulwark against the smuggler. Nor is it unimportant to note that, of the very project formed by Ministers, one limb is a provision against *smuggling on board the ships of the Company.* The precise ground for new regulations to this effect, does not appear; but, if even the princely, systematized, and disciplined marine of the Company, be not wholly proof against the canker of smuggling, what immunity can be expected for an indefinite variety of vessels, casually commanded, and ranging over the seas at pleasure? It is vain to affirm, what has been affirmed without proof, that the port of London possesses a peculiar aptitude for the prosecution of illicit commerce. The port of London, like the city of London, like every metropolitan city of vast condensed population, combines in itself great evils and remedies. If the arts of river-smuggling be here refined to the utmost, the fiscal police opposed to those arts is also of the most improved quality; nor is there any reason for believing, (and, cer-

tainly, no satisfactory reason has been adduced,) that, in proportion to the immense and shifting mass of commerce afloat and ashore on the Thames, the revenue arising from duties is realized with greater loss or uncertainty in London, than at port-towns of a smaller dimension.

On the meditated "extension of the Manifest Act," the Ministers have expressed themselves with so little explicitness, that it is difficult to make any observation. How the measure may succeed, cannot distinctly be guessed, until it is known in what manner the act is to be extended; but, in the mean while, it may be observed that the principle of the act does not appear applicable in the case under review. A manifest is an inventory of the cargo imported by a vessel; which being compared with the actual cargo on board it is thus ascertained whether the vessel has broken bulk at sea. The efficiency of the regulation evidently depends on the verity of the manifest; for which reason it is enacted that the masters of vessels lading in the ports of the British possessions abroad, and, where the cargo is wine, even those lading in foreign ports, shall on oath verify their manifesto before the British custom-house, or consul at the port of lading, which custom-house or consul shall then authenticate the instrument. In the numberless islands of the Archipelago, however, there is, as the Directors express it, "no usage of clearing out vessels, or "giving them papers or manifests;" for, to say

the truth, there is, in those islands, no usage of employing custom-house or consul. The manifest, therefore, must necessarily be taken on the word of the commander; who, of course, may be provided with any number of fictitious papers and clearances, adapted to different states of his cargo. The laws of honesty, indeed, stand in the way of such an arrangement; but the temptation of high duties has frequently been known to triumph over much more obdurate impediments.

One consideration held out as a lenitive to the alarm of the Company, has been, that, since the interest of the public exchequer is deeply involved in the realization of the revenue from tea, they may always reckon on the wishes and the efforts of government to check a contraband importation of that article. The consolation, however, which might result from this circumstance is completely checked by the recollection that, if the wishes and the efforts of government could prevent smuggling, not a single smuggler would haunt the seas.

On the whole, therefore, it would seem that there is too much ground for the fears with which the Company regard the change of system meditated by the Ministry; and it must at least be confessed that the Ministry have taken little trouble to remove those fears. They allow that the new principle, if established without sufficient securities, might produce the worst dangers apprehended from it. They allow those dangers to be

in the last degree serious: they allow, consequently, that the principle ought not to be adopted till the requisite securities are devised: and then, with the promise of securities which are not specified, with the specification of securities which have again and again been tried and found wanting, they call on the Company to adopt the principle confessedly involving all those dangers. What renders the case still more striking, the avowed object of the experiment is nothing beyond commercial benefit. Limited advantage, certain hazard, and possible escape, are the terms on which the Company is exhorted to accept a system avowedly new, a system avowedly experimental, a system concerning which, whatever else be doubtful, this at least is certain, that it is not that under which the Indian empire has reached its present state of power, wealth, stability, and glory.

As the only admissible alternative, however, Ministers threaten the Company, subject to the decision of Parliament, that the Empire of India shall be transferred to other hands. This annunciation is, indeed, well worthy the attention of every member of the legislature; for it suggests a very momentous question; what other organ of government for the Indian Empire can be devised, so efficacious, so unexceptionable, as the known and tried system of the Company? Whether any such instrument is discoverable, will be a matter of doubt to the most slender proficient in the history of political revolutions; it can be a matter of

no doubt to those who, honoring the preceding chapters of this book with a perusal, shall accept the facts, and concur in the reasonings which those chapters contain.

Some persons, however, are apt to allege that, if these things be so, the Company present the extraordinary spectacle of a body of subjects paramount to the supreme government of the nation. If the Company are, *at all events*, to be maintained in their present position, then, whatever terms they may chuse to demand, at whatever price it may please them to rate their acceptance of a new Charter, whatever caprices they may indulge in their negotiation with the constituted authorities of the country, there is nothing for those authorities but a cheerful compliance. Not only the supremacy of the Crown, but the omnipotence of Parliament, the august majesty of the state, may be warned off the sacred territory of the India House, as a territory *allodially* held by a mere corporation of merchants.

The difficulty proposed by this objection, is precisely of that species, which, in matters of policy, always results from an extreme case. If the Monarch has a veto on every measure proposed by the people, then he may reduce the people to insignificance by putting in force his negative on every single occasion. If the people may refuse the Monarch supplies, then they may convert him into a titled slave, by thwarting him in every single project. Such casuistry is endless; and it is use-

less. Were the Company either in their negotiations for a new Charter, or in their use of a Charter already subsisting, to exhibit a refractory and contumacious conduct, it might then become the government to consider whether deference to them was not disloyalty to the people of England; whether it was not necessary to hazard the interests of Hindostan for the security of interests nearer home. But that extreme case should be shewn to have occurred, before the right growing out of it is assumed. It should be proved that the Company have advanced some claim inconsistent with a due subjection to the state; that they have maintained some doctrine unwarranted by British statesmen of the highest celebrity; that they have abused the privileges of that free discussion to which they were invited by Ministers themselves; that their arguments have been weak, or have been answered. This is the very least that should be demonstrated, before the supreme power can merge its duties to the people of Hindostan in that law of self-preservation, which is obligatory both on authorities and on individuals, but which, in both cases, though it is usually called the first law of nature, should yet be the last law obeyed.

Yet the literary antagonists of the Company already begin familiarly to contemplate a radical alteration in the constitution of India, and, apparently, such an alteration as shall vest the political power and patronage of that country exclusively

in the hands of the executive government at home. One author, referring to a measure meditated for a time by Ministers,—the transfer of the Indian army to the Crown,—observes that, " the " temperate arguments of the two Chairs induced " Ministers to relinquish this idea," and to propose other measures; but that " the altered tone " of the Directors" might possibly " induce " Ministers *to go beyond what they had intended.*" " There are persons," the same writer still more definitively observes, " well informed in Indian " affairs, who think that *nothing short of a radical* " *change in the constitution of the Indian govern-* " *ment at home*, can advance, to any considerable " degree, the mutual prosperity of the two coun- " tries." The plan of the persons alluded to turns out to be that, for the Board of Controul, should be substituted a Secretary of State, and, for the Court of Directors a Board, like that of the Admiralty, consisting of six members and a President, all of whom should be unconnected with any trade. The plan is not very intelligibly stated; but it would appear that the proposed Board of Directors is to be appointed by the Crown; and it is at all events certain that the author contemplates " a radical change."

When it is intimated respecting Ministers, that they were induced to relinquish their plan by " the *temperate* arguments of the two Chairs," and may possibly be induced to resume at least a part of it by " the altered tone of the Direc-

"tors," surely a compliment is paid to the kindliness of their natures or the quickness of their feelings, entirely at the expense of their severer virtues. One member of the Cabinet, and, certainly, not the member least interested in the present discussion, exhibits, to do him justice, a very different view of the motives which have actuated his own mind, and, it may be presumed, those also of his colleagues. He plainly and candidly founds the relinquishment of the plan in question, on the admission, "that "*several weighty objections*" against it had been stated by the Chairman and Deputy Chairman.* If then, it can be said that Ministers yielded to the temperate arguments of the Chairs, it must at least have been to the *arguments*, not to the *temper*, that the concession was made; nor are we readily to believe of any Cabinet, that having projected a measure of such seriousness as the transfer of the Indian army to the Crown, they should first, abandon it out of complaisance, and then resume it from resentment.

To comment on the "radical change" advised by the author, would be merely to reiterate the facts and arguments already set forth in this volume; facts and arguments, which, if they be just and correct, will at once lead to a decisive opinion respecting such a change. It is not easy,

* Lord Melville's letter to the Chairs; 17th December 1811.

however, to suppress an intimation of surprise at the obscurity in which the "well-informed" authorities for the proposal have hitherto enveloped, both themselves, their information, and their reasonings. Where has the writer found these proficients in Indian affairs? Not, it may safely be affirmed, in the far greater number of our recorded statesmen. Not in Mr. Pitt and Mr. Dundas, the vigorous and repeatedly avowed opponents of any change "in the constitution of "the Indian government at home." Not in Marquis Cornwallis, the second founder of the Indian empire. Not in Mr. Hastings, or Lord Teignmouth, or Marquis Wellesley;—those persons are all living; let each be questioned on the subject, and the Company may be content to abide by the reply. Not in the present Lord Melville, nor in any member of the subsisting Cabinet; for, whatever they may now think it expedient to propose, they set out with a clear expression of the sentiment that the existing system was, if possible, to be maintained. Not in the people of England, if any reliance may be placed on those unequivocal demonstrations of popular feeling, which were excited by the India Bill of Mr. Fox. Not, hitherto, in the parliaments which that people have subsequently and successively elected. All this congregated mass of general wisdom and Indian experience, all this constellated splendour of departed and surviving ability, stands in direct opposition to the radical

change recommended by the author in question. Without any disparagement, therefore, of the talents, the knowledge, or the good intentions, of that author, all of which are willingly admitted, it would surely be too much to expect that the public should reject maxims, which have grown old with the reputation of so many valued names, maxims maintained by the living and canonized with the dead, in favour of an anonymous opinion, founded on anonymous experience, and justified by un-named arguments.

" Quod jus si Cneius Pompeius ignoravit, si
" Marcus Crassus, si Quintus Metellus; si sena-
" tus, si populus Romanus; si qui de re simili
" judicârunt, si fœderati populi, si socii, si illi
" antiqui Latini; videte, ne utilius vobis et ho-
" nestius sit, illis ducibus errare, quàm ab hoc
" magistro erudiri."

The conclusions that result from the volume now respectfully presented to the public, must be too plain to require minute exposition. They are two. First,—the present Indian system is at all events to be continued; continued, not as we continue what we cannot terminate or little heed, not as we continue necessary or familiarized evil, sufferable folly, or unoffending insignificance, but as we continue political good; preserving, cherishing, and enshrining it; guarding it at once with the armour of law and the enchantment of opinion. Secondly,—the relaxations now meditated of the system, although in themselves pure-

ly commercial, do in fact threaten its existence. With a full intention, on all hands, that the system shall be preserved, with every political privilege untouched, with all the semblance of imperial vigour and dignity, it may be destroyed by the petty depredations of commercial adventure; as the vessel which has victoriously withstood the buffets of assailing enemies and warring elements, "the battle and the breeze," falls a victim to the insects that, with unchartered eagerness, burrow amidst her planks and feed on her timbers; and becomes fit only to be condemned and broken up, without having suffered any declension in the symmetry of her make, the bravery of her equipment, or the force of her fire. If this view of the subject be admitted, if it be true that the constitution of India ought to be maintained and is in danger, if the evil deprecated be as great and as imminent as it has been represented in the foregoing pages, the justice and the wisdom of the legislature may assuredly be invoked for the application of a timely and an effectual preventive.

APPENDIX.

ESTABLISHMENT *of the* CIVIL SERVICE *in* INDIA, *including* EU

and E

	General Branch.			*Judicial Branch.*			*Revenue Bra*	
	No. of Servants.		Salaries and Allowances.	No. of Servants.		Salaries and Allowances.	No. of Servants.	
	Covenanted.	Uncovenanted.		Covenanted.	Uncovenanted.		Covenanted.	Uncovenanted.
			£			£		
Bengal	110	88	309,336	185	25	334,892	78	50
Madras	52	29	1 24,209	97	10	190,238	57	3
Bombay ..	35	5	61,568	16	6	27,132	18	2
Total ..	197	122	495,113	298	41	552,262	153	55

Note.—In this account, the lists of covenanted servants include medical pr
opium.—The customs are blended with the revenue.

[N]o. I.

[EUR]OPEAN UNCOVENANTED ASSISTANTS, *with the* PAY, ALLOWANCES, [AND EM]OLUMENTS.

[...].	*Commercial Branch.*			*Marine Branch.*			TOTAL.		
Salaries and [A]llowances.	No. of Servants. Covenanted.	No. of Servants. Uncovenanted.	Salaries and Allowances.	No. of Servants. Covenanted.	No. of Servants. Uncovenanted.	Salaries and Allowances.	No. of Servants. Covenanted.	No. of Servants. Uncovenanted.	Salaries and Allowances.
£			£			£			£
[...]77,816	74	21	169,728	9	156	53,628	456	340	1,045,400
[...]97,238	23	—	51,000	2	16	7,661	231	58	470,346
[...]22,765	10	3	5,413	93	402	57,360	172	418	174,238
[...]97,819	107	24	226,141	104	574	118,649	859	816	1,689,984

[...]tioners; and the commercial branch under the head of Bengal, includes the departments of salt and

No. II.

An ACCOUNT *of the Number of* CIVIL SERVANTS, *covenanted or uncovenanted, excluding Medical Practitioners, under the following heads.*

	Bengal.		*Madras.*		*Bombay.*		Total.	
	Covenanted.	Uncovenanted.	Covenanted.	Uncovenanted.	Covenanted.	Uncovenanted.	Covenanted.	Uncovenanted.
General	95	88	52	29	30	5	177	122
Judicial	144	25	74	10	16	6	234	41
Revenue	63	47	57	3	18	2	138	52
Customs	15	3	..	..	..	..	15	3
Commercial .	51	15	23	..	10	3	84	18
Salt	17	4	..	..	..	..	17	4
Opium	6	2	..	..	..	..	6	2
Total	391	184	206	42	74	16	671	242

No. III.

An ACCOUNT *of the Number and Expense of the* MEDICAL ESTABLISHMENTS *in India.*

	Number.	Pay and Allowance.
		£.
Bengal	114	78,656
Madras	101	57,890
Bombay	40	22,786
Total	255	£159,332

No. IV.

An ACCOUNT *of the Number and Expense of the* CLERICAL ESTABLISHMENTS *at the several Presidencies in India.*

	Number.	Allowances.
		£.
Bengal	16	21,900
Madras	15	14,300
Bombay	5	4,795
Total	36	£40,995

No. V.

An ACCOUNT *of the Number of* LAW PRACTITIONERS *in India.*

BENGAL.

Supreme Court.

6 Barristers.—14 Attorneys.

FORT ST. GEORGE.

Supreme Court.

4 Barristers.—6 Attorneys, and 1 at home.

BOMBAY.

Recorder's Court.

3 Barristers.—8 Attorneys.

No. VI.

An ACCOUNT *of the Number and Amount of Pay and Allowances to the* COMPANY'S OFFICERS *on the* MILITARY ESTABLISHMENTS *at the several Presidencies in India.*

	Number of Officers.	Amount of Pay and Allowances
		£.
Bengal	1,571	872,088
Madras	1,347	554,481
Bombay	549	171,450
Total	3,467	£1,598,019

No. VII.

An ACCOUNT *of the Number and Amount of Pay and Allowances to* OFFICERS *of* HIS MAJESTY'S REGIMENTS *in India.*

	Number.	Pay and Allowances.
		£.
Bengal	189	102,897
Madras	482	190,499
Bombay	111	45,466
Total	782	338,862

No. VIII.

An ACCOUNT *of the Number of all* MILITARY STAFF APPOINTMENTS *and of Allowances annexed, under the several Presidencies in India.*

	Numbers.	Allowances.
		£.
Bengal	261	267,026
Madras	145	183,142
Bombay	72	61,011
Total	478	511,179

No. IX.

AN ACCOUNT *of the Number of* MILITARY OFFICERS *retired from the Company's Service, with the Amount of their Pay.*

21	at	£1000	0	0	per Annum each		£21,000
1	-	-	-	-	do	- - -	772
3	-	- 500	0	0	do	- - -	1,500
1	-	-	-	-	do	- - -	456
93	-	- 365	0	0	do	- - -	33,945
11	-	- 300	0	0	do	- - -	3,300
52	-	- 273	15	0	do	- - -	14,235
50	-	- 182	10	0	do	- - -	9,125
6	-	- 136	17	6	do	- - -	821
52	-	- 91	5	0	do	- - -	4,745
1	-	-	-	-	do	- - -	75
24	-	- 45	12	6	do	- - -	1,095
15	-	- 36	10	0	do	- - -	547
330							£91,616

No. X.

AN ACCOUNT *of the Number of* MARINE OFFICERS, &c. *retired from the Company's Service, with the Amount of their Pensions.*

1 - - - - - - - -	per Annum	- - -	£400
2 at £228 each - - -	do	- - -	456
7 - 180 - - - - -	do	- - -	1,260
2 - 150 - - - - -	do	- - -	300
1 - - - - - - - -	do	- - -	135
1 - - - - - - - -	do	- - -	70
1 - - - - - - - -	do	- - -	45
1 - - - - - - - -	do	- - -	40
1 - - - - - - - -	do	- - -	38
17			£2,744

No. XI.

An ACCOUNT *of the Number and Expense of the* MILITARY CORPS *in the* COMPANY'S SERVICE *on the Establishments at the several Presidencies in India.*

	Commissioned Officers.	Non-commissioned and Rank & File.	Pay and Allowances.	
Bengal.			*Sicca Rupees, at 2s 6d.*	
European Artillery—3 Battalions of 7 Companies each - -	141	2,142	* 14,74,680	
Native Cavalry—8 Regiments -	140	4,512	19,62,072	
Native Infantry—27 Regiments of 2 Battalions each - -	1,215	50,760	1,03,88,328	
European Infantry — 1 Regiment - - - - -	45	1,276	4,77,440	
Corps of Engineers - - -	30		1,40,960	
	1,571	58,690	1,44,43,480	£1,805,435
Madras.			*Pagodas, at 8s.*	
European Infantry — 1 Regiment - - - - -	48	1,276	1,06,880	
European Artillery—2 Battalions of 7 Companies and Horse Artillery - - - -	94	1,428	3,15,336	
Native Cavalry—8 Regiments -	140	4,512	7,56,624	
Native Infantry—23 Regiments	1,035	43,240	22,81,248	
Corps of Engineers - -	30		46,920	
	1,347	50,456	35,07,008	1,402,803
Bombay.			*Rupees, at 2s. 6d.*	
European Infantry — 1 Regiment - - - -	48	1,276	3,85,800	
European Artillery (including Lascars) 1 Battalion of 7 Companies - - - - -	47	714	5,34,996	
Native Infantry—9½ Regiments	426	18,998	41,64,180	
Corps of Engineers - - -	28		95,784	
	549	20,988	51,80,760	647,595
Grand Total - -	3,467	130,134		£3,855,833

* Including Horse, Lascars, and Golundauze.

No. XII.

AN ACCOUNT *of the Number and Expense of the* KING'S TROOPS *serving at the several Presidencies in India.*

	Commissioned Officers.	NonCommissioned Officers, & Rank and File.	Pay and Allowances.
BENGAL.			
Two Regiments of Dragoons ...... Four Regiments of Foot	236	5,111	£. 357,162
MADRAS.			
Two Regiments of Dragoons ...... Thirteen Regiments of Foot	551	13,391	614,904
BOMBAY.			
One Regiment of Dragoons ...... Three Regiments of Foot	128	2,946	182,629
	915	21,448	1,154,695

No. XIII.

AN ACCOUNT *of the Amount of* PENSIONS *granted to Europeans at the different Presidencies in India.*

	Number.	Amount.
		£.
Bengal	47	9,637
Madras	15	1,445
Bombay	3	187
Total	65	11,269

India, including HIS MAJESTY'S TROOPS.

adras.	Bombay.		Total.	
Expense.	Number.	Expense.	Number.	Expense.
£.		£.		£.
470,346	590	174,238	1,675	1,689,984
57,890	40	22,786	255	159,332
14,300	5	4,795	36	40,995
554,481	549	171,450	3,467	1,598,019
190,499	111	45,466	782	338,862
183,142	72	61,011	478	511,179
—	—	—	347	94,360
1,445	3	187	65	11,269
1,472,103	1,370	479,933	7,105	4,444,000
1,402,803	549 20,988	647,595	3,467 130,134	3,855,833
848,322	—	476,145	—	2,257,814
614,904	128 2,946	182,629	915 21,448	1,154,695
424,405	—	137,163	—	815,833
2,741,830	25,304	1,093,241	158,687	7,517,647

No. XV.

Some of the advocates for the abolition of the Company's China monopoly have produced a table of the comparative prices of Tea,* exclusive of duties, at London and New York, for ten years, beginning with 1803, by which they make the cost of tea to the consumer, on an average, 85 per cent. dearer at the former place than at the latter. The present author does not profess to be versed in the details of this business, but he is told, from authority which he deems to be indisputable, that the table in question is formed upon very material errors, of which the compiler was doubtless ignorant. It is well known, not only that the Company get the prime qualities of all the Teas brought to Canton, and that the Americans purchase generally the inferior sorts of the different denominations of Tea; but that of the lower of these denominations, such as Twankay and Congou, they imported annually into their own States several millions of pounds; yet for eight years of the ten included in the table it does not appear that any teas of those denominations were sold at New York. The fact is, that the Americans call their Congou Tea by the superior name of Souchong, which differs from Congou as fine cloth does from coarse. Hence, instead of comparing the English Congou which sells at *3s. 0d.* with American Congou, which is stated to have sold at from $10\frac{1}{2}$*d.* to - - - 1 0

* Letters on the East-India Monopoly. Glasgow.

The true comparison is between English	s.	d.		
Congou at - - - - - -	3	0		
And American Souchong at - - -	2	6		
Difference - - - - -			0	6
The Company's Congou *costs* - per lb.	2	2		
The American Congou is said to have *sold* in New York for - - - -	0	10½		

Let the reader judge how different the quality of these two articles must be, or how much below prime cost the American article must have sold.

These specimens alone are decisive of the credit to be given to the table.

It is at the same time to be remembered, that a neutral nation, navigating in every respect cheaper than a belligerent one, must bring the goods of the same country cheaper to its own market.

THE END.

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